# Missouri House of Representatives

House Journals

1997 Session

**January**

| | | |
|---|---|---|
| Day 1 | Day 2 | Day 3 |
| Day 4 | Day 5 | Day 6 |
| Day 7 | Day 8 | Day 9 |
| Day 10 | Day 11 | Day 12 |
| Day 13 | Day 14 | Day 15 |

**February**

| | | |
|---|---|---|
| Day 16 | Day 17 | Day 18 |
| Day 19 | Day 20 | Day 21 |
| Day 22 | Day 23 | Day 24 |
| Day 25 | Day 26 | Day 27 |
| Day 28 | Day 29 | Day 30 |
| Day 31 | | |

**March**

| | | |
|---|---|---|
| Day 32 | Day 33 | Day 34 |
| Day 35 | Day 36 | Day 37 |
| Day 38 | Day 39 | Day 40 |
| Day 41 | Day 42 | Day 43 |
| Day 44 | | |

**April**

| | | |
|---|---|---|
| Day 45 | Day 46 | Day 47 |
| Day 48 | Day 49 | Day 50 |
| Day 51 | Day 52 | Day 53 |
| Day 54 | Day 55 | Day 56 |
| Day 57 | Day 58 | Day 59 |
| Day 60 | Day 61 | Day 62 |
| Day 63 | | |

**May**

| | | |
|---|---|---|
| Day 64 | Day 65 | Day 66 |
| Day 67 | Day 68 | Day 69 |
| Day 70 | Day 71 | Day 72 |
| Day 73 | Day 74 | Day 75 |

**First Extraordinary Session**

| | | |
|---|---|---|
| Day 1 | Day 2 | Day 3 |
| Day 4 | | |

**Second Extraordinary Session**

| | | |
|---|---|---|
| Day 1 | Day 2 | Day 3 |
| Day 4 | Day 5 | Day 6 |
| Day 7 | Day 8 | |

**Veto Session - September**

| | | |
|---|---|---|
| Day 1 | Day 2 | Day 3 |

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# House Journal

## First Regular Session, 89th General Assembly

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FIRST DAY, Wednesday, January 8, 1997

The House was called to order at twelve o'clock noon by the Honorable Rebecca Cook, Secretary of State.

Prayer by Father Hugh Behan.

"Without a vision the people perish." (Prov. 24:19).

We begin another year in the calendar, and the 89th General Assembly, First Session, and we join with Congress as it began the 105th session yesterday.

We have memories of great deeds done in this chamber, and of shameful ones, we have had reason to be proud and to be embarrassed. We have sometimes thought only of today and about the next election, and we have sometimes taken the long view, the vision which makes us truly human.

Today, gracious God, we remember in a special way the former members who have served here, we think especially of Jim Sears and his untimely death, we include also members of the staff and lobbyists as we pray for peace for the family members who mourn their passing and recall their memories.

We pay special honor today to our family members and staff whose sacrifices, support and work are so much a part of who and what we are and do in this chamber.

Eternal Father, may we do what we can this year to be responsive to the spirit of the times, and provide a service that is as free as possible of pettiness, as rich as possible in bi-partisanship, as daring as possible in genuine reform, and above all, may we be as faithful as possible to the State's motto that the well-being of all of our citizens must be the Supreme Law. Amen.

The Pledge of Allegiance to the flag was recited.

**SECRETARY OF STATE ADDRESSES THE HOUSE**

I would like to welcome all of you today, especially the family and friends of the members who are about to be sworn in.

It is my honor and privilege to convene this session of the Missouri House of Representatives. This is a great institution and I know all of you are honored to be a part of it.

You men and women, who are soon to be sworn in as members of this body, are of all ages, from all professions, economic backgrounds, religious denominations, from all parts of the state, and have had varied life experiences.

That diversity provides strength to this body. It is that reflection of all segments of society that makes a representative government work best, ensuring that the voices of all citizens are heard.

I'm certainly happy to be back here. I'm glad to see all of you back here.

The people have sent all of us a clear message that they want and expect to see more bi-partisan cooperation; more action and more progress.

My office has important legislative proposals we will present and certainly we will need the help and cooperation of all of you.

In the same way, we expect to, and want to, extend to all of you the resources and cooperation of our office.

Together we can meet the challenges facing this state.

Together we can elevate the educational concerns of our children over narrow issues of partisanship.

Together we can advance the health care concerns of all the people over the narrow agenda of special interests.

Together we can produce a comprehensive review of elections laws and securities regulations which will promote better government and protect all the citizens of Missouri.

Each of you has been elected to represent nearly 32,000 citizens in your respective districts. As members of the House of Representatives you are bonded by the common thread of the honor & responsibility to serve the people of this great state.

With the 24 members taking the oath for the first time today, there will have been six thousand four hundred and thirty three men and women who have served in this body since Missouri became a state in 1821--that makes you a very select group of people.

When you represent your district well, you honor this institution and its great tradition. You serve the cause of democracy.

Congratulations to all of you. May God be with you as you work together to improve the lives of Missourian.

**COMMUNICATION FROM THE SECRETARY OF STATE**

**To the Honorable House of Representatives of the Eighty-Ninth General Assembly, First Regular Session, of the State of Missouri:**

**In compliance with Section 115.525, Revised Statutes of Missouri, 1994, I have the honor to lay before your honorable body herewith a list of the names of the members of the House of Representatives for the Eighty-Ninth General Assembly (First Regular Session) of the State of Missouri, elected at the General Election held on the 5th day of November, 1996.**

**IN TESTIMONY WHEREOF, I have hereunto set my hand and affix the official seal of my office this 3rd day of January, 1997.**

---

**Rebecca McDowell Cook**

**SECRETARY OF STATE**

**MISSOURI HOUSE OF REPRESENTATIVES**

**1997**

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**District Name**

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**1st VACANCY**

**2nd Don Summers**

**3rd Phil Tate**

**4th Rex Barnett**

**5th Dan Hegeman**

**6th Randall H. Relford**

**7th Jewell D. H. Patek**

**8th Gary Wiggins**

**9th Sam D. Leake**

**10th Robert Clayton**

**11th Philip G. (Phil) Smith**

**12th Bill Leutkenhaus**

**13th Jon Dolan**

**14th Cindy Ostmann**

**15th Jon L. Bennett**

**16th Rich Chrismer**

**17th Don R. Kissell**

**18th Chuck Gross**

**19th Charles Nordwald**

**20th Gracia Yancey Backer**

**21st Ted Farnen**

**22nd Steve Gaw**

**23rd Timothy Harlan**

**24th Chuck Graham**

**25th Vicky Riback Wilson**

**26th Jim Seigfreid**

**27th Glenda Kelly**

**28th Charlie Shields**

29th Maurice Lawson

30th Fred Pouche

31st Bill Skaggs

32nd Bonnie Sue Cooper

33rd Scott Lakin

34th Annie Reinhart

35th Luann Ridgeway

36th Rodger L. Fitzwater

37th Vernon Thompson

38th Tim Van Zandt

39th Marsha Campbell

40th Henry C. Rizzo

41st Fletcher Daniels

42nd Lloyd Daniel

43rd Mary Groves Bland

44th Steve McLuckie

45th Sandy Kauffman

46th Thomas J. Hoppe

47th Pat Kelley

48th Bill Boucher

49th Ralph A. Monaco

50th Carol Jean Mays

51st Dennis Bonner

52nd Connie Cierpiot

53rd Richard (Dick) Franklin

54th Don Lograsso

55th Carson Ross

56th Glenn Hall

57th O. L. Shelton

58th Louis H. Ford

59th Ron Auer

60th Russell Goward

61st Paula J. Carter

62nd Charles Quincy Troupe

63rd Dorathea Davis

64th Nancy Farmer

65th Tom Bauer

66th Harry Kennedy

**67th Patrick Dougherty**

**68th James P. O'Toole**

**69th Dana L. Murray**

**70th Russell C. Gunn**

**71st Rita D. Days**

**72nd Sheila Lumpe**

**73rd Timothy P. Green**

**74th Laurie B. Donovan**

**75th Mary Hagan-Harrell**

**76th Lana Stokan**

**77th David L. Reynolds**

**78th Carol Stroker**

**79th Patrick J. O'Connor**

**80th John J. Hickey**

**81st James Michael Foley**

**82nd David L. Levin**

**83rd S. Sue Shear**

**84th Joan Bray**

**85th Christopher A. (Chris) Liese**

**86th W. Todd Akin**

**87th Raymond W. (Bill) Hand**

**88th John Loudon**

**89th William (Bill) Linton**

**90th Bill Alter**

**91st Emmy McClelland**

**92nd Brent Evans**

**93rd Patricia (Pat) Secrest**

**94th Michael R. Gibbons**

**95th Jim Murphy**

**96th Joseph L. Treadway**

**97th Carl H. Hendrickson**

**98th May Scheve**

**99th Catherine S. Enz**

**100th Joan Barry**

**101st Kate Hollingsworth**

**102nd David (Dave) Broach**

**103rd Steve Stoll**

**104th Norman Sheldon**

105th Marilyn Edwards

106th James E. (Jim) Graham

107th M. E. (Rocky) Johnson

108th Brian May

109th John E. Griesheimer

110th Francis Overschmidt

111th Jim Froelker

112th Merrill M. Townley

113th William (Bill) Gratz

114th Carl M. Vogel

115th Don Steen

116th Chuck Pryor

117th Larry Crawford

118th Matt Boatright

119th Delbert L. Scott

120th Jim Howerton

121st Deleta Williams

122nd D. J. Davis

123rd Ed Hartzler

124th Vicky Hartzler

125th Charlie Fritts

126th Martin (Bubs) Hohulin

127th T. Mark Elliott

128th Gary Burton

129th Chuck Surface

130th Gary Marble

131st Sam Gaskill

132nd Linda Bartelsmeyer

133rd Ronnie Miller

134th Norma Champion

135th Roy Holand

136th Mike Schilling

137th Chuck Wooten

138th Craig Hosmer

139th Phil Wannenmacher

140th Charlie Ballard

141st Judy Berkstresser

142nd Jim Kreider

143rd Estel Boyd Robirds

144th Mary Lou Sallee

145th Ken Legan

146th Beth Long

147th Doug Gaston

148th Bill L. Ransdall

149th Jerry E. McBride

150th Kelly Parker

151st Chuck Purgason

152nd Wayne Crump

153rd Don Koller

154th Mark L. Richardson

155th Patrick A. Naeger

156th Bill Foster

157th David Schwab

158th Mary C. Kasten

159th Marilyn Taylor Williams

160th Joe Heckemeyer

161st F. E. Gene Copeland

162nd Donald Prost

163rd Larry Thomason

The following roll call indicated a majority of the Representatives present.

AYES: 000

NOES: 000

PRESENT: 162

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hand Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Prost Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear 83 Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 000

VACANCY: 001

The following Representatives advanced to the bar and subscribed to the oath of office, which was administered by the Honorable John C. Holstein, Chief Justice of the Missouri Supreme Court.

AYES: 000

NOES: 000

PRESENT: 162

Akin Alter Auer Backer Ballard

Barnes Barnett 4 Bartelsmeyer Bennett 15 Bland

Boatright Bonner Boucher Bray Broach

Brown Burton Canuteson Carter Champion

Childers Chrismer Cierpiot Clayton Cooper

Copeland Crum 112 Crump 152 Daniel 42 Daniels 41

Davis Days Donovan Dougherty Edwards

Elliott Enz Evans Farmer Farnen

Fiebelman Fitzwater Foley Ford Foster

Franklin Froelker Garnett Gaskill Gaw

Gibbons Goward Graham Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hand Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Hoppe

Hosmer Howerton Jacob Kasten Kauffman

Keeven Kelley 47 Kelly 27 Kissell Klumb

Koller Kreider Lakin Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble Marshall 26

Marshall 133 May 108 Mays 50 McBride McClelland

McLuckie Mitchell Montgomery Morgan Murphy

Murray 69 Murray 135 Naeger Nordwald O'Connor

O'Neill O'Toole Oetting Ostmann Overschmidt

Pauley Pouche Prost Pryor Reynolds

Ribaudo Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Sears 1 Secrest Shear 83 Sheldon 104

Shelton 57 Shields Skaggs Smith Sombart

Steen Stokan Stoll Summers Surface

Tate Thomason 163 Thompson 37 Treadway Troupe

Van Zandt Vogel Wannenmacher Ward Whiteside

Wieland Wiggins Williams 121 Williams 159 Witt

Wooten Mr. Speaker

ABSENT WITH LEAVE: 000

VACANCY: 001

NOMINATIONS

Representative Tate nominated Representative May Scheve as temporary Speaker of the House.

Representative Days (71) seconded the nomination.

Representative Scott nominated Representative Ken Legan as temporary Speaker of the House.

Representative Donovan seconded the nomination.

Representative Smith moved that nominations cease.

**Which motion was adopted.**

**A vote was called for temporary Speaker of the House by casting a green vote for Representative Scheve and a red vote for Representative Legan.**

**AYES: 087**

**Auer Backer Barry 100 Bauer Bland**

**Bonner Boucher Bray Campbell Carter**

**Clayton Copeland Crump Daniel 42 Daniels 41**

**Davis 63 Davis 122 Days Dougherty Farmer**

**Farnen Fitzwater Foley Ford Franklin**

**Fritts Goward Graham 24 Gratz Green**

**Gunn Hagan-Harrell Harlan Heckemeyer Hickey**

**Hollingsworth Hoppe Hosmer Johnson Kelly 27**

**Kennedy Kissell Koller Kreider Lakin**

**Lawson Leake Liese Luetkenhaus Lumpe**

**May 108 Mays 50 McBride McLuckie Monaco**

**Murray O'Connor O'Toole Overschmidt Parker**

**Prost Ransdall Relford Reynolds Rizzo**

**Scheve Schilling Seigfreid Shear 83 Sheldon 104**

**Shelton 57 Skaggs Smith Stokan Stoll**

**Stroker Tate Thomason 163 Thompson 37 Treadway**

**Troupe Van Zandt Wiggins Williams 121 Williams 159**

**Wilson Mr. Speaker**

**NOES: 074**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Champion Chrismer Cierpiot Cooper Crawford**

**Dolan Donovan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 106 Griesheimer Gross Hall**

**Hand Hartzler 123 Hartzler 124 Hegeman Hendrickson**

**Hohulin Holand Howerton Kasten Kelley 47**

**Legan Levin Linton Lograsso Long**

**Loudon Marble McClelland Miller Murphy**

**Naeger Nordwald Ostmann Patek Pouche**

**Pryor Purgason Reinhart Richardson Ridgeway**

**Robirds Ross Sallee Schwab Scott**

Secrest Shields Steen Summers Surface

Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 001

Kauffman

VACANCY: 001

The Chair ruled Representative Scheve elected temporary Speaker of the House.

The following committee was appointed to escort Representative Scheve to the dais:

Representatives Goward, Rizzo, Carter, Koller, Green, Smith, Williams (159), Cooper, McClelland and Wannenmacher.

Representative Scheve assumed the Chair.

Thank you, Secretary Cook.

I would like to thank my colleagues for allowing me to serve as temporary speaker during this important decision of electing our new speaker.

I would like to take this opportunity to introduce to you someone who has provided me with love, strength and support.

In 1990, we were 25 and traveled to Jefferson City to file for office.

During our 1992 re-election campaign, we squeezed in our wedding between the primary and the general and now as we enter our 4th term we are preparing for the arrival of our first child on the 4th of July.

Please join me in welcoming my husband, Tim Reardon.

Representative Backer nominated Representative Steve Gaw for Speaker of the House.

Madam Speaker, House protocol dictates addressing our fellow colleagues as either "Lady" or "Gentleman". Sometimes it is difficult to address one another by that title, especially in the heat of disagreement. However, that difficulty has never surfaced when addressing the gentleman from Randolph, for no matter the issue or situation, Representative Gaw is truly a gentleman in every sense of the word.

Last year this young man was given a great responsibility by the members of this body when he was elected Speaker of the House. Storms and turmoil seemed destined to control, but as he told us in his acceptance speech, he was determined to clear the skies. And clear the skies he did.

Fairness and respect are not just "feel good" words used by our Speaker. Rather, they are important elements of his deep ethical beliefs.

Being a physics major, Rep. Gaw is a true believer of theory, and as a representative of the people he is a true believer of reality. Consequently, he is able to combine theoretical doctrines with realistic solutions.

**He understands the theory of welfare and reality of reform.**

**He understands the theory of education and the reality of educating.**

**He understands the theory of the work ethic and the reality of a livable wage.**

**Our Speaker, in other words, has the knowledge and the wisdom to help lead our great state into the new millennium.**

**It is with sincerity, utmost respect and great honor I nominate a true gentleman, Rep. Steve Gaw, from the 22nd District for the position of Speaker of the House.**

**Representative McLuckie seconded the nomination.**

**Representative Lograsso nominated Representative Mark Richardson for Speaker of the House.**

**Representative Shields seconded the nomination.**

**Representative Smith moved that nominations cease.**

**Which motion was adopted.**

**A vote was called for the Speaker of the House by casting a green vote for Representative Gaw and a red vote for Representative Richardson.**

**AYES: 087**

**Auer Backer Barry 100 Bauer Bland**

**Bonner Boucher Bray Campbell Carter**

**Clayton Copeland Crump Daniel 42 Daniels 41**

**Davis 63 Davis 122 Days Dougherty Farmer**

**Farnen Fitzwater Foley Ford Franklin**

**Fritts Goward Graham 24 Gratz Green**

**Gunn Hagan-Harrell Harlan Heckemeyer Hickey**

**Hollingsworth Hoppe Hosmer Johnson Kelly 27**

**Kennedy Kissell Koller Kreider Lakin**

**Lawson Leake Liese Luetkenhaus Lumpe**

**May 108 Mays 50 McBride McLuckie Monaco**

**Murray O'Connor O'Toole Overschmidt Parker**

**Prost Ransdall Relford Reynolds Rizzo**

**Scheve Schilling Seigfreid Shear 83 Sheldon 104**

**Shelton 57 Skaggs Smith Stokan Stoll**

**Stroker Tate Thomason 163 Thompson 37 Treadway**

**Troupe Van Zandt Wiggins Williams 121 Williams 159**

**Wilson Mr. Speaker**

**NOES: 074**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Champion Chrismer Cierpiot Cooper Crawford**

**Dolan Donovan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 106 Griesheimer Gross Hall**

**Hand Hartzler 123 Hartzler 124 Hegeman Hendrickson**

**Hohulin Holand Howerton Kasten Kelley 47**

**Legan Levin Linton Lograsso Long**

**Loudon Marble McClelland Miller Murphy**

**Naeger Nordwald Ostmann Patek Pouche**

**Pryor Purgason Reinhart Richardson Ridgeway**

**Robirds Ross Sallee Schwab Scott**

**Secrest Shields Steen Summers Surface**

**Townley Vogel Wannenmacher Wooten**

**PRESENT: 000**

**ABSENT WITH LEAVE: 001**

**Kauffman**

**VACANCY: 001**

**The Chair ruled that Representative Gaw was elected Speaker of the House.**

**The following committee was appointed to escort Representative Gaw to the dais: Representatives Copeland, Backer, Crump, Days, Shear, Murray, Richardson, Lograsso, Scott and Kauffman.**

**Representative Gaw subscribed to the oath of office which was administered by the Honorable Ronnie White, Justice of the Supreme Court.**

**Speaker Gaw assumed the Chair.**

**Representative Stoll nominated Representative Jim Kreider for Speaker Pro Tem.**

**Representative Schilling seconded the nomination.**

**Representative Richardson nominated Representative Carson Ross for Speaker Pro Tem.**

**Representative Lograsso seconded the nomination.**

**Representative Smith moved that nominations cease.**

**Which motion was adopted.**

**A vote was called for the Speaker Pro Tem of the House by casting a green vote for Representative Kreider and a red vote for Representative Ross.**

**AYES: 084**

**Auer Backer Barry 100 Bauer Bland**

**Bonner Boucher Bray Campbell Carter**

**Clayton Copeland Crump Davis 63 Davis 122**

**Days Dougherty Farmer Farnen Fitzwater**

**Foley Ford Franklin Fritts Goward**

**Graham 24 Gratz Green Gunn Hagan-Harrell**

**Harlan Heckemeyer Hickey Hollingsworth Hoppe**

**Hosmer Johnson Kelly 27 Kennedy Kissell**

**Koller Kreider Lakin Lawson Leake**

**Liese Luetkenhaus Lumpe May 108 Mays 50**

**McBride McLuckie Monaco Murray O'Connor**

**O'Toole Overschmidt Parker Prost Ransdall**

**Relford Reynolds Rizzo Scheve Schilling**

**Seigfreid Shear 83 Sheldon 104 Skaggs Smith**

**Stokan Stoll Stroker Tate Thomason 163**

**Thompson 37 Treadway Van Zandt Wiggins Williams 121**

**Williams 159 Wilson Wooten Mr. Speaker**

**NOES: 073**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Champion Chrismer Cierpiot Cooper Crawford**

**Dolan Donovan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 106 Griesheimer Gross Hall**

**Hand Hartzler 123 Hartzler 124 Hegeman Hendrickson**

**Hohulin Holand Howerton Kasten Kelley 47**

**Legan Levin Linton Lograsso Long**

**Loudon Marble McClelland Miller Murphy**

**Naeger Nordwald Ostmann Patek Pouche**

**Pryor Purgason Reinhart Richardson Ridgeway**

**Robirds Ross Sallee Schwab Scott**

**Secrest Shields Steen Summers Surface**

**Townley Vogel Wannenmacher**

**PRESENT: 001**

**Shelton 57**

**ABSENT WITH LEAVE: 004**

**Daniel 42 Daniels 41 Kauffman Troupe**

**VACANCY: 001**

**The Chair ruled that Representative Kreider was elected Speaker Pro Tem of the House.**

**The following committee was appointed to escort Representative Kreider to the dais: Representatives Franklin, Leake, Davis (63), Farmer, Gunn, O'Connor, Heckemeyer, Monaco, Wooten, Champion and Griesheimer.**

**Representative Kreider subscribed to the oath of office which was administered by Judge Byron Kinder, Circuit Court Judge, Cole County.**

**Mr. Speaker and distinguished members and guests of the Missouri House of Representatives:**

**I would like to take this time to express my sincerest thanks to all my colleagues for giving me this opportunity to serve as your Speaker Pro Tem for the 89th General Assembly.**

**Thank you for bestowing this great honor upon me.**

**I would like to express a special thanks to my family and friends that have been so supportive of me and who are here today.**

**I am humbled by this new responsibility, but also very excited. Excited the way many of us felt when we were freshmen and starting our 1st legislative session.**

**But as we go about our work the next few months we need to be reminded of those who sent us here. The people of this great state.**

**We are the servants of the people we represent. We have taken an oath today to serve the people of Missouri to the very best of our ability and that is what I am asking all of us to do today and the rest of our public life by renewing our commitment as public servants.**

**I am asking that all of our actions be directed toward the greater good of our fellow Missourians. I sincerely believe that we have that responsibility since we do serve in the peoples' house.**

**We must work hard to make sure their voices are heard. I also ask all of us here today to remind ourselves that we are not here for ourselves, but for those people we represent. As I look around the chamber I see a group of people who are as diverse as the people we represent.**

**I am convinced that despite the differences we can find common ground that will lead to a positive impact on all of us.**

**I am eager to start work this session and I know you are too. Let us all focus on the positive - in doing so when the end of session is here we will know we have done our best in fulfilling our duties as representatives of the people.**

**Thanks again for this honor and your support.**

**RESOLUTIONS**

**Representative Backer offered House Resolution No. 1.**

**HOUSE RESOLUTION NO. 1**

**BE IT RESOLVED, that the Rules of the House of Representatives of the Eighty-Seventh General Assembly, and all amendments thereto, be the temporary Rules of the House of Representatives, Eighty-Ninth General Assembly, until or unless otherwise ordered.**

**Representative Shields offered House Amendment No. 1**

***House Amendment No. 1***

**AMEND House Resolution No. 1, Page 1, Section 1, Line 3, by deleting the words "until or unless otherwise ordered".**

**And further amend said line by adding the following:**

**"these temporary rules of the House of Representatives shall become null and void at 12:00 Noon on January 22, 1997 and shall have no effect thereafter".**

**Representative Shields moved that House Amendment No. 1 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 073**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Champion Chrismer Cierpiot Cooper Crawford**

**Dolan Donovan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 106 Griesheimer Gross Hall**

**Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin**

**Holand Howerton Kasten Kelley 47 Legan**

**Levin Linton Lograsso Long Loudon**

**Marble McClelland Miller Murphy Naeger**

**Nordwald Ostmann Patek Pouche Pryor**

**Purgason Reinhart Richardson Ridgeway Robirds**

**Ross Sallee Schwab Scott Secrest**

**Shields Steen Summers Surface Townley**

**Vogel Wannenmacher Wooten**

**NOES: 085**

Auer Backer Barry 100 Bauer Bonner

Boucher Campbell Carter Clayton Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days Dougherty Farmer Farnen Fitzwater

Foley Ford Franklin Fritts Goward

Graham 24 Gratz Gunn Hagan-Harrell Hand

Harlan Heckemeyer Hickey Hollingsworth Hoppe

Hosmer Johnson Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus Lumpe May 108 Mays 50

McBride McLuckie Monaco Murray O'Connor

O'Toole Overschmidt Parker Prost Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear 83 Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Troupe Van Zandt

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 004

Bland Bray Green Kauffman

VACANCY: 001

On motion of Representative Backer, House Resolution No. 1 was adopted.

Representative Backer offered House Resolution No. 2

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the Rules of the House of Representatives be suspended and the following be elected permanent officers of the House of Representatives of the Eighty-Ninth General Assembly by acclamation.

Chief Clerk..... Anne C. Walker

Doorkeeper..... Carl Strader

Sergeant-at-Arms..... Larry Walker

Chaplain..... Fr. Hugh Behan

Chaplain..... Rev. Cheryl L. Tatham

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 2 was adopted.

Representative Backer offered House Resolution No. 3.

**HOUSE RESOLUTION NO. 3**

**BE IT RESOLVED, that the Chief Clerk of the House of Representatives inform the Senate that the House is duly convened and is now in session ready for consideration of business.**

**BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representataives is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:**

**Speaker..... Steve Gaw**

**Speaker Pro Tem ..... Jim Kreider**

**Chief Clerk..... Anne C. Walker**

**Doorkeeper..... Carl Strader**

**Sergeant-at-Arms..... Larry Walker**

**Chaplain..... Fr.Hugh Behan**

**Chaplain..... Rev. Cheryl L.Tatham**

**On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 3 was adopted.**

**Representative Backer offered House Resolution No. 4.**

**HOUSE RESOLUTION NO. 4**

**BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.**

**On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 4 was adopted.**

**Representative Backer offered House Resolution No. 5.**

**HOUSE RESOLUTION NO. 5**

**PROPOSED**

**89TH GENERAL ASSEMBLY**

**RULES OF THE HOUSE**

**ORDER OF [BUSINESS] *THE DAY AND CALENDAR***

**Time of Meeting.**

**Rule 1. The time of meeting by the House unless otherwise ordered, shall be 10:00 o'clock a.m.**

***Order of Business.***

**Rule 2. The first of each day, after the House is called to order, shall be employed as follows:**

**(a) Prayer by the Chaplain.**

**(b) Pledge of Allegiance to American Flag.**

**(c) Order of Business:**

**(i) Reading and approval of the Journal of the previous day's session.**

**(ii) Introduction and first reading of House Joint Resolutions.**

**(iii) Introduction and first reading of House Bills.**

**(iv) Second reading of House Bills and Joint Resolutions.**

**(v) Reports of standing committees.**

**(vi) Reports of special committees.**

**(vii) Bills, reports and other business on the table.**

**(viii) House Joint Resolutions to be perfected and printed.**

**(ix) House Bills to be perfected and printed.**

**(x) Third reading of House Joint Resolutions.**

**(xi) Third reading of House Bills.**

**(xii) Messages from the Senate.**

**(xiii) First reading of Senate Joint Resolutions and Senate Bills.**

**(xiv) Second reading of Senate Joint Resolutions and Senate Bills.**

**(xv) Third reading of Senate Joint Resolutions.**

**(xvi) Third reading of Senate Bills.**

**(xvii) Introduction of petitions, memorials, remonstrances and resolutions.**

**(xviii) Adoption of petitions, memorials, remonstrances and resolutions.**

***Headings in House Calendar***

**Rule 3. There shall be provided on the House calendar the following divisions:**

**(a) House Bills for second reading.**

**(b) House Joint Resolutions for second reading.**

**(c) House Bills to be perfected and printed.**

**(d) House Joint Resolutions to be perfected and printed.**

**(e) House Appropriation Bills to be perfected and printed.**

**(f) House Revision Bills to be perfected and printed.**

**(g) House Bills - Federal Mandate to be perfected and printed.**

**(h) House Bills to be perfected and printed--laid over informally.**

**(i) House Joint Resolutions to be perfected and printed--laid over informally.**

**(j) House Appropriation Bills to be perfected and printed--laid over informally.**

**(k) House Revision Bills to be perfected and printed--laid over informally.**

**(l) House Bills - Federal Mandate to be perfected and printed--laid over informally.**

**(m) House Bills to be agreed to and placed upon third reading and final passage.**

**(n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.**

**(o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.**

**(p) House Revision Bills to be agreed to and placed upon third reading and final passage.**

**(q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.**

**(r) House Bills to be agreed to and placed upon third reading and final passage--laid over informally.**

**(s) House Joint Resolutions to be agreed to and placed upon third reading and final passage--laid over informally.**

**(t) House Appropriation Bills to be agreed to and placed upon third reading and final passage--laid over informally.**

**(u) House Revision Bills to be agreed to and placed upon third reading and final passage--laid over informally.**

**(v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage--laid over informally.**

**(w) House Bills reported out of committee by consent and placed upon Consent Calendar for Perfection.**

**(x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.**

**(y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.**

**(z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed--laid over informally.**

**(aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.**

**(bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage--laid over informally.**

**(cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.**

**(dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage--laid over informally.**

**(ee) Senate Bills for second reading.**

**(ff) Senate Joint Resolutions for second reading.**

**(gg) Senate Bills for third reading and final passage.**

**(hh) Senate Joint Resolutions for third reading and final passage.**

**(ii) Senate Revision Bills for third reading and final passage.**

**(jj) Senate Bills - Federal Mandate for third reading and final passage.**

**(kk) Senate Bills for third reading and final passage--laid over informally.**

**(ll) Senate Joint Resolutions for third reading and final passage-- laid over informally.**

**(mm) Senate Revision Bills for third reading and final passage--laid over informally.**

**(nn) Senate Bills - Federal Mandate for third reading and final passage--laid over informally.**

**(oo) Senate Bills for Third Reading and Final Passage--Consent Calendar.**

**(pp) Courtesy Resolutions Calendar.**

**(qq) House Resolutions and Concurrent Resolutions Calendar.**

**(rr) Senate Concurrent Resolutions Calendar.**

**(ss) Bills in Conference.**

**(tt) House Bills with Senate Amendments.**

**(uu) House Bills taken from Committee, as provided by the Constitution.**

## [ELECTION OF] OFFICERS

***GENERALLY***

***Election; Oath; Compensation.***

**Rule 4. The House shall elect the following officers at the commencement of the first regular session of each general assembly[.]: Its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain who shall hold office during all sessions until the convening of the succeeding [regular session] General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean themselves in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by the Speaker and receive such compensation as provided by law.**

**[DUTIES OF THE]** ***SPEAKER***

**Speaker to Call Members to Order.**

**Rule 5. The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.**

**[Speaker May Speak on Points of Order***] Parliamentary Rulings; Referral to Parliamentary Committee***.**

**Rule 6. Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. It shall be the duty of the chair when other than the Speaker or the Speaker Pro Tem to call the Parliamentary Committee at the time the point of order is raised and before any discussion on the point of order takes place. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Leader and the Minority Leader, or their designees.**

***Speaker May Speak on Points of Order***

**Rule 7. The Speaker may speak on points of order in preference to other members, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members, points of order but shall address his/her remarks only to the chair.**

***Appeal from the Ruling of the Chair***

**Rule 8. Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.**

**Speaker Has General Supervision of Hall.**

**Rule 9. The Speaker shall have general direction and supervision of the Hall and shall preserve decorum and order in the Hall.**

***Speaker Has Supervision over House Employees.***

**Rule 10. The Speaker shall have supervision and control over all employees of the House.**

**Speaker May Substitute Member to Perform Duties.**

**Rule 11. The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.**

**Speaker Shall Sign Bills.**

**Rule 12. The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Clerk.**

**Speaker May Clear the Hall.**

**Rule 13. In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared.**

**Manner of Putting Questions*; When Outcome is in Doubt*.**

**Rule 14. The Speaker shall rise to state and put questions. Questions shall be in the following form: "As many as are in favor (by electric roll call) vote "Aye". As many as are opposed (if by electric roll call) vote "No". (Or if by voice vote say "Aye" or "No.") If the Speaker doubts or a division is called for, the House shall divide, those in the affirmative first rising and afterwards those in the negative. [If the Speaker still doubts or a count be required by at least twenty-five (25) members, one from each side to tell the members in the affirmative and in the negative, which being reported, he/she shall rise and state the decision.] If the Speaker still doubts or a count is required by a request of at least twenty-five members, then one member from each side appointed by the Speaker shall count the members rising in the affirmative and again those members rising in the negative and shall subsequently state the count and the Speaker shall then announce the decision.**

**[DUTIES OF] *OTHER OFFICERS***

**Speaker Pro Tem.**

**Rule 15. The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 11.**

**Chief Clerk.**

**Rule 16. It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall: prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.**

**Assistant Chief Clerk.**

**Rule 17. It shall be the duty of the Assistant Chief Clerk to assist the Chief Clerk in performing his/her duties. The Assistant Chief Clerk shall prepare the daily Journal, supervise the staff of the Chief Clerk, discharge the duties of the Chief Clerk in his/her absence and perform such other duties as may be assigned to him/her.**

**Reading Clerk.**

**Rule 18. The duties of the Reading Clerk shall be to attend the House during its sittings and to read to the House all bills, resolutions and communications, and to perform all such acts as are usually required in connection with [their] his/her office, and said Clerk shall be appointed by the Speaker.**

**Doorkeeper.**

**Rule 19. It shall be the duty of the Doorkeeper subject to the orders of the Speaker to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the bar except such as are admitted by**

**the rules or orders of the House. He/she shall announce all messages or communications from the Governor or the Senate, and admit the bearer within the bar. He/she shall execute the commands of the Speaker, in relation to his/her duties, and shall obey such other orders as may be made by the House.**

**Sergeant-at-Arms.**

**Rule 20. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.**

**Chaplain.**

**Rule 21. It shall be the duty of the Chaplain to attend at the commencement of each day's sitting of the House, to open the sessions thereof with prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.**

**Postmaster.**

**Rule 22. It shall be the duty of the Postmaster or Postmasters to receive and properly distribute the mail of the members and employees of the House and to perform such other duties as may be required of them. The Postmaster or Postmasters shall be appointed by the Speaker.**

**Employees.**

**Rule 23. The House may employ and the Speaker appoint such employees as are necessary and authorized by the Committee on Accounts, Operations and Finance. No person shall be [employed] initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.**

**COMMITTEES**

**By Whom Appointed*; Composition of Membership*.**

**Rule 24. All standing and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and designate the total number of members to serve on each committee[.], except the minority members of each committee shall be appointed by the Minority Leader, subject to the final approval of the Speaker. The vice-chairman shall preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, Minority Floor Leader and the Assistant Minority Floor Leader shall be ex officio members of all committees of the House for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of said Committee. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House.**

**Kinds Of.**

**Rule 25. Committees shall be: A Committee of the Whole House, Standing Committees, and Special Committees.**

**Time of Sitting.**

**Rule 26. No committee shall sit during the session of the House without leave.**

***Standing Committees Enumerated.***

**Rule 27. The standing committees of the House shall be as follows:**

**1. Accounts, Operations, and Finance**

**2. Agri-Business**

**3. Agriculture**

**4. Appropriations-General Administration**

**5. Appropriations-Education and Public Safety**

**6. Appropriations-Natural and Economic Resources**

**7. Appropriations-Health and Mental Health**

**8. Appropriations-Social Services and Corrections**

**9. Banks and Financial Institutions**

**10. Budget**

**11. Children, Youth and Families**

**12. Civil and [Criminal]Administrative Law**

**12.5 Criminal Law**

**13. Commerce**

**14. Consumer Protection**

**15. Correctional and State Institutions**

**16. Education-Elementary and Secondary**

**17. Education-Higher**

**18. Elections**

**19. [Energy and] Environment, Energy and Mining**

**20. Federal-State Relations and Veterans Affairs**

**[21. Fees and Salaries]**

**22. Governmental Organization and Review**

**23. Insurance**

**24. Judiciary [and Ethics]**

**25. Labor**

**26. Local Government and Related Matters**

**[27. Mines and Mining]**

**28. Miscellaneous Bills & Resolutions**

**29. Motor Vehicle and Traffic Regulations**

**30. Municipal Corporations**

**31. Professional Registration and Licensing**

**32. Public Health and Safety**

**33. Retirement**

**34. Rules, Joint Rules, and Bills Perfected and Printed**

**35. [Science, Technology and] Critical Issues**

**36. Social Services, Medicaid and the Elderly**

**37. State Parks, Recreation and Natural Resources**

**38. Transportation**

**39. Tourism[, Recreation] and Cultural Affairs**

**40. Urban Affairs**

**40.5 Utilities Regulation**

**41. Ways and Means**

**42. Workers Compensation and Employment Security**

**[(]The Speaker may appoint such special committees as he/she deems necessary.[)]**

***Duties of the Standing Committees.***

**Rule 28. (1) *Accounts, Operations, and Finance.***

***(a) Duties, generally.*** **The Committee on accounts, operations and finance shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.**

***(b) Funds for operation of members' individual offices.*** **The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.**

***(c) Allotment of offices, chamber seats, parking spaces.*** **Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members, according to seniority within each respective party caucus, except that no member shall be forced to give up his/her offices, chamber seat or parking space that he/she currently occupies. Notwithstanding any provision of this rule to the contrary, the committee may make assignments to House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chairman, and the chairman and ranking minority member of the accounts committee, without respect to the seniority of those members.**

***(d) Duties of Chief Clerk in Respect to Committee.*** **The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. [The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.]**

**The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a monthly basis.**

**(2) *Agri-business.*** **The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.**

**(3) *Agriculture.*** **The Committee on Agriculture may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.**

**(4) *Appropriations-General Administration.*** **The Committee on Appropriations-General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt, Elected Officials, Office of Administration, the General Assembly, the Department of Revenue, Department of Highways and Transportation and the Department of Labor and Industrial Relations.**

**(5) *Appropriations-Education and Public Safety.*** **The Committee on Appropriations-Education and Public Safety shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education, the Department of Higher Education, the Department of Public Safety and Judiciary.**

**(6)** ***Appropriations-Natural and Economic Resources.*** **The Committee of Appropriations-Natural and Economic Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources, the Department of Economic Development, the Department of Insurance and the Department of Conservation.**

**(7)** ***Appropriations-Health and Mental Health.*** **The Committee on Appropriations-Health and Mental Health shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and the Department of Mental Health.**

**(8)** ***Appropriations-Social Services and Corrections.*** **The Committee on Appropriations-Social Services and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Social Services and Corrections.**

**(9)** ***Banks and Financial Institutions.*** **The Committee on Banks and Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans and other financial institutions.**

**(10)** ***Budget.***

***(a) Duties, generally.*** **The Committee on Budget shall have the responsibility of filing all appropriation bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.**

***(b) Bills which reduce net state revenue or increase net state expenditures by $100,000 or more.*** **The Committee on Budget shall consider all bills which require new appropriations or net expenditures of state money in excess of $100,000 or which reduce net state revenue by more than $100,000 in [either of the two] any of the four fiscal years immediately following the effective dates of the bills. Any such House bill, after having been perfected and ordered printed by the House shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires new appropriations or net expenditures of state money in excess of $100,000 or which reduces net state revenue by more than $100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House to be truly agreed and finally passed. Any such Senate bill, after having been approved by the regular standing committee to which it was referred, shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any Senate or House bill taken from any standing committee pursuant to the Constitution and House Rule 36 which requires new appropriations or expenditures of state money in excess of $100,000 or which reduces net state revenue by more than $100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion, be re-referred to the Committee on Budget. The primary sponsor or, in the case of a Senate bill, the floor handler, of a bill referred to the Committee on Budget shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other. For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated.**

***(c) Amending effective date onto bills in committee.*** **The Committee on Budget may, with the consent of the House Sponsor or Floor Handler, amend an effective date onto any bill referred to the Committee.**

**(11)** ***Children, Youth, and Families.*** **The Committee on Children, Youth and Families may consider, report upon and conduct ongoing study of bills and matters referred to it concerning the problems of children, youth and families including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment and recreation.**

**(12)** ***Civil and [Criminal Law] Administrative Law.*** **The Committee on Civil and [Criminal] Administrative Law may consider and report upon bills and matters referred to it relating to civil and [criminal] administrative laws and procedure.**

**(12.5)** ***Criminal Law. The Committee on Criminal Law may consider and report upon bills and matters referred to it relating to criminal laws and procedures.***

**(13)** ***Commerce.*** **The Committee on Commerce may consider and report upon bills and matters referred to it relating to commerce, industrial growth, expansion and development.**

**(14)** ***Consumer Protection.*** **The Committee on Consumer Protection may consider and report upon bills and matters referred to it relating to retail sales and practices, credit unions and consumers.**

**(15)** ***Correctional and State Institutions.*** **The Committee on Correctional and State Institutions may consider and**

**report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, the state penitentiary, state hospitals, charitable institutions, and other state properties.**

**(16) *Elementary and Secondary Education.* The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education in this state, including teachers, financing, property, indebtedness and curriculum.**

**(17) *Higher Education.* The Committee on Higher Education may consider and report upon bills and matters referred to it relating to higher education in the state, including teachers, financing, property, indebtedness and curriculum.**

**(18) *Elections.* The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.**

**(19) *Energy and Environment.* The Committee on Energy and Environment may consider and report upon bills and matters referred to it relating to the development, use and conservation of energy and other energy related concerns.**

**(20) *Federal-State Relations and Veterans Affairs.* The Committee on Federal-State Relations and Veterans Affairs may consider and report upon bills and matters referred to it relating to the relationship between the Federal Government and the State of Missouri, veterans affairs, the promotion and strengthening of states rights and military and naval affairs of the state.**

**[(21) *Fees and Salaries.* The Committee on Fees and Salaries may consider and report upon bills and matters referred to it relating to the fees and salaries of state and local officials and employees.]**

**(22) *Governmental Organization and Review.* The Committee on Governmental Organization and Review may consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and departments of the state and local governments; the public buildings of the state, including the Division of Design and Construction, the Division of Facilities Management, the capitol grounds and the state and legislative library. The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The committee shall also consider and report on such bills and matters related to the efficiency of government in the state that may be referred to it.**

**(23) *Insurance.* The Committee on Insurance may consider and report upon bills and matters referred to it relating to insurance and the improvement of insurance laws and the efficiency of the Department of Insurance.**

**(24) *Judiciary[ and Ethics.*] The Committee on Judiciary[ and Ethics ]may consider and report upon all bills and matters referred to it relating to the judicial branch of the state, the practices and procedures of the courts of this state, and the ethics of public officials.[ The Committee may also consider and report upon complaints referred to it relating to a member of the House of Representatives involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The Committee is authorized to investigate such complaints and, after notice and a hearing conducted pursuant to Rules of Procedure established under Rule 38 of these rules, to report to the House its findings, conclusions and recommendation. The Committee is further authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.]**

**(25) *Labor.* The Committee on Labor may consider and report upon bills and matters referred to it relating to the conditions and interest of labor.**

**(26) *Local Government and Related Matters.* The Committee on Local Government and Related Matters may consider and report upon bills and matters referred to it relating to county courts and local government generally.**

**[(27) *Mines and Mining.* The Committee on Mines and Mining may consider and report upon bills and matters referred to it relating to mines, mining, safety measures in the mining industry and the development of mineral resources in the state.]**

**(28) *Miscellaneous Bills and Resolutions.***

***(a) Duties, generally.* The Committee on Miscellaneous Bills and Resolutions may consider and report upon resolutions referred to it and upon any bill which, in the opinion of the Speaker, merits special consideration.**

**Any resolution introduced between adjournment and December 31st in even and odd numbered years shall be examined by the Chairman of the Committee and he shall have authority to approve, as if passed by a vote of the House, those resolutions which are courtesy resolutions. Any resolution that is not a courtesy resolution will require action by the Committee on Miscellaneous Bills and Resolutions and the House as provided for by the House Rules.**

***(b) Courtesy resolutions.*** **A courtesy resolution is a resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, sympathy on the death of an individual, congratulations on an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider in the nature of a courtesy resolution.**

**(29)** ***Motor Vehicle and Traffic Regulations.*** **The Committee on Motor Vehicle and Traffic Regulations may consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.**

**(30)** ***Municipal Corporations.*** **The Committee on Municipal Corporations may consider and report upon bills and matters referred to it relating to the organization, government and improvement of cities, towns, villages and other questions concerning municipal bodies.**

**(31)** ***Professional Registration and Licensing.*** **The Committee on Professional Registration and Licensing may consider and report upon bills and matters referred to it relating to boards, bureaus, and commissions that examine the qualifications of persons engaged in certain professions and occupations and the duties of such agencies and the persons registered by them.**

**(32)** ***Public Health and Safety.*** **The Committee on Public Health and Safety may consider and report upon bills and matters referred to it relating to the health and safety of the people of the State of Missouri.**

**(33)** ***Retirement.*** **The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees.**

**(34)** ***Rules, Joint Rules, and Bills Perfected and Printed.***

***(a) Duties, generally.*** **The Committee on Rules, Joint Rules, and Bills Perfected and Printed shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, Joint Rules, and Bills Perfected and Printed, and upon any bill which merits special consideration.**

***(b) Duties related to printing and proofing bills.*** **The Committee shall direct the printing of all bills ordered perfected and printed, and see that all amendments to every such bill are incorporated therein before the bill is printed and certify to the House that the printed copies of the bill on the desks of the members are true and correct copies of the bill as ordered perfected and printed; shall carefully examine the typed copy of all bills which are truly agreed to and finally passed and compare each bill agreed to and finally passed with the perfected bill, correct the clerical errors, if any, and return the bill with a committee report to the House certifying that the bill is truly and correctly typed as agreed to and finally passed.**

***(c) Petition to remove from perfection calendar.*** **Upon petition of 2/3 of the standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, the Committee on Rules and Joint Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.**

***(d) Petition to remove from third-reading calendar.*** **Upon petition of 2/3 of the standing committee chairmen, the Committee on Rules, Joint Rules and Bills Perfected and Printed shall have the authority to consider and remove, any Senate bill or Joint Resolution from the regular 3rd reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon 3rd reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules and Joint Rules, may be recommitted to the Committee on Rules and Joint Rules by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.**

**[The Committee shall direct the printing of all bills ordered perfected and printed, and see that all amendments to every such bill are incorporated therein before the bill is printed and certify to the House that the printed copies of the bill on the desks of the members are true and correct copies of the bill as ordered perfected and printed; shall carefully examine the typed copy of all bills which are truly agreed to and finally passed and compare each bill agreed to and finally passed with the perfected bill, correct the clerical errors, if any, and return the bill with a committee report to the House certifying that the bill is truly and correctly typed as agreed to and finally passed.]**

**(35)** ***[Science, Technology, and] Critical Issues.*** **The Committee on [Science, Technology and] Critical Issues**

**may consider and report upon bills and matters referred to it relating to [research and development, applied research, commercialization of research, high technology, and] issues of a critical nature to State Government. The Committee will identify those issues and the options available that are most important to citizens and lawmakers and formulate legislation in a systematic and comprehensive manner and provide future planning and direction for a regular structured plan.**

**(36) *Social Services, Medicaid, and the Elderly.* The Committee on Social Services, Medicaid and the Elderly may consider and report upon bills and matters referred to it relating to social services, Medicaid, children's aid and the elderly.**

**(37) *State Parks, Recreation, and Natural Resources.* The Committee on State Parks, Recreation and Natural Resources may consider and report upon bills and matters referred to it relating to state parks, outdoor recreation, fish and game, forestry, water and other natural resources.**

**(38) *Transportation.* The Committee on Transportation may consider and report upon bills and matters referred to it relating to roads, highways, bridges, ferries, airports, railroads and other means of transportation.**

**(39) *Tourism and Cultural Affairs.* The Committee on Tourism[, Recreation] and Cultural Affairs may consider and report upon all matters referred to it pertaining to the development and promotion of travel, tourism, [recreation,] the arts and cultural affairs.**

**(40) *Urban Affairs.* The Committee on Urban Affairs may consider and report upon bills and matters referred to it relating to city planning and other urban issues.**

***(40.5) Utilities Regulation. The Committee on Utilities Regulation may consider and report upon bills and matters referred to it relating to incorporation and regulations of utilities , including gas, electric, water, heating, sewer, and telephone and telegraph companies, as well as rural electric cooperatives.***

**(41) *Ways and Means.* The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the revenue and public debt of the state, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenues and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House.**

**(42) *Workers Compensation and Employment Security.* The Committee on Workers Compensation and Employment Security may consider and report upon bills and matters referred to it relating to the Workmen's Compensation Act, unemployment compensation and employment security.**

**The Speaker may appoint such special committees as he/she deems necessary.**

## Duties of Committee Chairman*; Organization of Committee*.

**Rule 29. *(a) Duty to preside; not required to vote.* It is the duty of the chairman to preside at all sessions of the committee. He/she is not required to vote on any measures except in the case of a tie, but he/she may do so if he/she so desires.**

***(b) When Chair is Absent.* In the absence of a chairman, the vice-chairman of the committee shall preside, and in his/her absence, a member appointed by the chairman.**

***(c) Minute book.* The chairman shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing. The chief clerk shall be the repository of the minute book after each general assembly.**

***(d) Bills, reports, and other documents.* The chairman shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.**

***(e) Duty to preserve order.* The chairman, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accord with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chairman may punish breaches of order and decorum by censure and exclusion from the hearings.**

***(f) When a Bill Fails.* Whenever a motion that a bill "Do Pass" shall fail, or if there be an even division on the question, the chairman shall report said bill back to the House "Do Not Pass" unless the bill is otherwise disposed of by another motion.**

## Committee Hearings

**Rule 30. All bills referred to committees shall be considered by giving the author, the proponents and the opponents a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chairman for failure to do so. In the discretion of the committee, the length of time allowed any one speaker may be limited.**

**Quorum.**

**Rule 31. A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.**

**Meetings--How Announced.**

**Rule 32. *(a) One Day's Notice and Journal Entry Required.* Announcement of all meetings of committees, other than meetings of the appropriations committees, shall include a statement of all matters to be considered at the meeting, shall be read from the clerk's desk at least one day prior to the meeting and shall be entered in the journal prior to the beginning of the meetings.**

***(b) Posting of Agenda.* The chairman of each committee shall give written notice of the time, date, place and tentative agenda of all meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least twenty-four hours prior to the meeting and shall include posting the notice on the bulletin board located outside the Speaker's office.**

***(c) When Notice Requirements May Be Waived.* For good cause meetings may be conducted on less than twenty-four hours' notice or at a place or time that is not convenient to the public. When for good cause it is necessary to hold a meeting on less than twenty-four hours' notice or at a place or time that is not convenient to the public, the nature of the good cause shall be stated in the committee's minutes.**

**Other Duties.**

**Rule 33. Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House.**

**Attendance.**

**Rule 34. The secretary of each committee shall keep a record of the attendance at each committee meeting in the minute book of the committee, which shall be available to the Speaker on request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be called by the chairman or secretary of a committee at each meeting.**

**Minority Views.**

**Rule 35. The minority of a committee may not make a report or present a proposition of legislation, but has the right to file views to accompany the report.**

**Committee Relieved of Bill--When.**

**Rule 36. No bill shall be taken away from any standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. If any bill is taken away from any committee by vote of one-third of the elected members of the House, as provided by the Constitution, then the bill shall be placed on a separate calendar, at the foot of the existing House Calendar, and shall not be taken up and considered by the House until all bills on the entire House calendar ahead of such bill have been disposed of by the House.**

**Election Contest.**

**Rule 37. Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the standing Committee on Elections or a**

**special committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.**

**Ethics Committee; Complaints of Ethical Misconduct.**

**Rule 38. [A.] *(a) Committee Established.* The Speaker shall appoint a Committee on Ethics and name the committee's chair and vice-chair. The committee shall have an equal number of members of the majority and minority party.**

***(b) Committee Authority.* The Committee may consider and report upon complaints referred to it relating to a member of the House of Representatives involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The Committee is authorized to investigate such complaints and, after notice and a hearing conducted pursuant to Rules of Procedure established under this rule, to report to the House its findings, conclusions and recommendation. The Committee is further authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.**

***(c) Rules of Procedure.* Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the Committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.**

**[B.] *(d) Receipt of Complaint; Investigation.* Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer within 10 days the same, without discussion, to the Committee on Judiciary and Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call.**

**[C.] *(e) Report and Recommendations.* At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendation to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendation. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.**

**BILLS**

**Introduced; *Manner of Setting Forth New and Old Material*.**

**Rule 39. [A.] *(a) When.* Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business.**

**[B. Any bill which proposes the amendment or reenactment of an existing statutory provision with changes in the language thereof, in setting forth the provision as amended or changed, shall upon introduction and after perfection have the matter which is to be omitted included in its proper place enclosed in brackets and all new matter to be inserted shall be underscored when typewritten for introduction. When printed, the amendatory or reenacting bill shall show the matter to be omitted enclosed in bold-faced brackets and the new matter shall be shown in bold-faced Roman Type. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:**

**"Explanation--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law." Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. All bold-faced matter shall be printed in light-faced type and all matter enclosed in bold-faced brackets shall be omitted when typewritten and printed after the bill has been truly agreed to and finally passed. Any bill or substitute therefor which does not comply with this rule shall not be placed upon the calendar of the House in which introduced.]**

***(b) Manner of Printing.* Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:**

**"Explanation--Matter enclosed in bold-faced brackets [ thus ] in the above bill is not enacted and is intended**

**to be omitted from the law."**

**Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any bill or substitute which does not comply with this rule shall not be placed upon the calendar.**

**[C.] *(c) Number of Copies Submitted.* Each bill shall be submitted in triplicate.**

**[Brackets "[ ... ]" indicate repeal of current law.**

**Bold-faced type indicates additions to the law or to a bill that contains current law.]**

***Number of Copies Printed*.**

**Rule 40. One thousand copies of all House Bills and House Joint Resolutions shall be printed. The Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate.**

**Reading by Title Sufficient.**

**Rule 41. The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the House.**

**To Go Upon Calendar--*When*.**

**Rule 42. No House Bill shall be placed upon the calendar for second reading until the legislative day following the introduction and first reading of said bill.**

***Timing of Placement on Calendar; Federal Mandate Calendar.***

**Rule 43. (a) When a bill is reported from the committee with the recommendation that it "do pass" or "without recommendation", it shall go upon the calendar of the House. No bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the calendar for at least one legislative day.**

**(b) No bill shall be placed on the Federal Mandate Calendars unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be [placed on the Federal Mandate Calendar shall request in writing that the Speaker place the bill on the Federal Mandate Calendar] considered for placement on the Federal Mandate Calendar shall request such in writing to the Chair of the Committee where such bill has been assigned.. The written request should state the deadline with which the state must comply with the federal mandate and what will happen if the state doesn't comply by this date. [A copy of the federal legislation mandating what the state must do shall accompany the written request.] A copy of the federal statute(s) or regulation(s) mandating what the state must do shall accompany the written request. If said bill is reported do pass from the committee recommending that said bill be placed on the Federal Mandate Calendar, the Chair shall submit to the Speaker a copy of the original written request along with a copy of the federal statute(s) or regulation(s) mandating state action. If the Speaker concurs that said bill complies with all requirements of this rule, he shall place said bill on the Federal Mandate Calendar.**

**Motion to Place on Calendar.**

**Rule 44. If a bill is reported from the committee with the recommendation that it "do not pass" it shall not go on the calendar of the House unless ordered by a constitutional majority. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the author of the bill is present or the motion is made by a member upon the author's written request. If no such action is taken within said time, the bill shall lie on the table.**

**Bills Laid Over Informally.**

**Rule 45. When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the author thereof, if a House Bill, or, (upon the request of its sponsor in the House, if a Senate Bill), be laid over informally, and thereafter called up at any**

**time, in any order, when otherwise in order.**

**To Appear in [Numerical] Order.**

**Rule 46. All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.**

**Ten Day Rule.**

**Rule 47. If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action by the House.**

**Consent Calendar.**

**Rule 48. *(a) Which Bills May Be Placed.* Each committee, after a favorable vote on a bill without amendment, may further determine by a second and affirmative vote [and unanimous consent of those committee members] of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.**

***(b) Procedure.* If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be placed on that calendar and after said bill has remained on the "House Consent Calendar for Perfection" for five legislative days, it shall be ordered perfected and advanced to the "House Consent Calendar for Third Reading and Final Passage" without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be sent to the Committee on Rules and Joint Rules. If the Committee on Rules and Joint Rules concur in the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be deemed perfected and placed on the "House Consent Calendar for Third Reading and Final Passage" without further action by the House. If the committee does not concur with the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be returned to the committee from which it was originally reported. An objection made by five members under this rule cannot be rescinded.**

**[ When the Senate passes a bill by its procedure for consent bills, such bill shall be considered for treatment as a consent bill by the House committee without further request but such bills may be amended in the House committee.**

**Senate bills passed out of the House committee with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage -- Consent Calendar are not subject to the five member objection provision of this rule.**

**No Senate consent bill may be taken up after 6:00 p.m. on the first Thursday following the third Monday in April.**

**Consent bills may be amended in committee but not on the floor of the house which is not the house of origin.]**

**AMENDMENTS**

**Of Committees and Substitutes.**

**Rule 49. (a) *In Writing; What Amendments, Substitutes, Etc. Are in Order.* Proposed amendments must be reduced to writing on demand. When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original amendment is perfected, but either may be withdrawn before amendment or decision is had thereon.**

**(b) *Committee Substitute Treated as Original.* A House committee substitute shall be considered as an original bill for purposes of amendment.**

**(c) *House Substitute.* A House substitute shall be considered as an amendment. A House substitute must be distributed to the members at least one legislative day prior to its consideration by the House; except after the Second Monday in May, no House Substitute shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House. A House amendment which, in**

**the opinion of the chair, is of such scope and length, that it is in reality a house substitute, must be distributed in the same manner as a house substitute.**

**(d) *One House Substitute at a Time.* Only one House substitute shall be in order at one time.**

**(e) *When Federal Mandate Bills Can Be Amended.* Amendments to House and Senate Bills - Federal Mandate are not permitted except perfecting amendments are permitted to make technical corrections.**

**Committee Substitute Printed.**

**Rule 50. When a committee recommends a substitute for a bill the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the chairman or any member designated by the chairman. The Chief Clerk shall have one thousand copies of the substitute printed for the use of the House, except that the Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate. No committee substitute shall be called from the calendar of the House until the printed copies have reached the members. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated the original bill shall be before the House for perfection and shall immediately be considered.**

**[ORDER OF AMENDMENTS]**

***Order of Amendments***

**Rule 51. When amendments to any bill, motion or proposition are pending they shall be voted on in the following order:**

**(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.**

**(2) Amendments to the substitute are next voted on, and may be offered seriatim as fast as disposed of until the substitute is perfected.**

**(3) The substitute is next voted on. Both the amendment and the substitute having been perfected and presented in final form, the House or committee makes its choice of the two.**

**(4) The amendment is voted on last. If the substitute has been agreed to, the vote comes on the amendment as amended by the substitute.**

**TEXT**

***Amendments Incorporated in Bill.***

***Rule 52. All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Committee on Bills Perfected and Passed, whose report to the House shall be set forth, in writing, that the bill is truly perfected, and the printed copies furnished to the members are correct.***

***Ayes and Noes Taken.***

***Rule 53. When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively, or amended, by a majority of the members elected, unless objection be made, in which case the vote shall be taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.***

***Repassage.***

***Rule 54. When all Senate amendments to House [B]bills have been concurred in by the constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on its first passage, a constitutional majority shall be necessary to the final passage of the bill.***

***Majority to Perfect.***

***Rule 55. A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.***

***Amending After Perfection; Perfecting Amendments.***

***Rule 56. No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has been read the third time.***

***[FINAL PASSAGE]***

***Motion for Final Passage.***

***Rule 57. When the Committee on Bills Perfected and Passed reports a bill truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be agreed to, read a third time and put upon its final passage?" If a constitutional majority sustains the question the bill shall be put immediately upon its passage.***

***Bills Not to be Passed on Previous to Roll Call.***

***Rule 57.5. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.***

***Course After Passage.***

***Rule 58. When a bill[, or joint or concurrent resolution] passes the House, it shall be certified by the Clerk, noting the day of its passage at the foot thereof, unless a motion has been made to reconsider the vote by which the bill or resolution passed, and the motion laid on the table.***

***Perfecting Amendment on Bills Returned from the Senate.***

***Rule 59. No bill [or joint or concurrent resolution] may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the***

*perfecting amendment.*

### *Conference Report.*

*Rule 60. (a) Drafting. All conference committee reports on House bills and any conference committee substitutes and conference committee amendments recommended for adoption by conference committee reports on House bills shall be prepared by Legislative Research or House Research.*

*(b) Review for Correctness. Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.*

*(c) Notice Requirements. No conference committee report shall be taken up and considered unless the same has been distributed to the members at least one legislative day prior to its consideration; except after the first Wednesday following the second Monday in May, no conference committee report shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House.*

## *RESOLUTIONS*

### *Joint and Concurrent Resolutions.*

*Rule 61. All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.*

### *Joint and Concurrent of Congress.*

*Rule 62. (a) Procedure, Generally. All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.*

*(b) Not to be Amended. The text of the amendment as proposed by the Congress of the United States shall not be amended.*

### *[REFERENCE OF RESOLUTIONS, ETC.]*

### *[Stand Referred] Petitions, Memorials, Remonstrances, and Resolutions.*

*Rule 63. All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without reading, consideration, discussion, explanation or debate, to the Committee on Miscellaneous Bills and Resolutions unless referred to some other appropriate committee by the Speaker. Those papers that are favorably recommended by the committee for adoption by the House shall be printed in the Journal and placed upon a resolutions calendar. Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full.*

## *SENATE BILLS*

### *[Reference] Referral.*

*Rule 64. Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.*

### *Go Upon the Calendar.*

*Rule 65. (a) Reported out of Committee. When a Senate Bill is reported from the committee to which referred with the recommendation that it "do pass", or "without recommendation", it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the Calendar for at least one legislative day.*

*(b) Senate Consent Bills. A Senate Bill passed by the Senate pursuant to its procedure for consent bills shall be considered for treatment as a consent bill by the House committee to which it was referred without further request but such bills may be amended in the House committee. However, any bill that is of a controversial nature or increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent. The committee, after a favorable vote on the bill, may by a second and affirmative vote [and by unanimous consent of those committee members] of every member present, request said bill be placed on the "Senate Bills for Third Reading and Final Passage -- Consent Calendar."*

*(c) Senate Consent Bills - Objections. Senate bills passed out of the House committee with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage -- Consent Calendar are subject to the five member objection provision of Rule 48.*

*(d) Senate Consent Bills--When Taken Up. No Senate consent bill may be taken up after 6:00 p.m. on the first Thursday following the third Monday in April.*

*(e) When Amendment Permitted. Senate [C] consent bills may be amended in committee but not on the floor of the [h] House [which is not the house of origin] unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the House floor or in the House committee.*

*When Reported "Do Not Pass."*

*Rule 66. If a Senate Bill be reported from the committee to which referred with the recommendation that it "do not pass" it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill.*

*Amendments.*

*Rule 67. Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.*

*[MATTERS OF GENERAL PROCEDURES*

*Bills Not to be Passed on Previous to Roll Call.*

*Rule 68. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.]*

*Rule 68. Reserved.*

*MOTIONS*

*Must Be Read or Stated Before Debate.*

*Rule 69. When a motion is made it shall be stated by the Chair or read aloud by the Clerk before being debated.*

*When in Possession of House.*

*Rule 70. When a motion is stated by the Speaker or read by the clerk it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time when another motion is not pending before decision or amendment.*

*To Be Reduced to Writing.*

*Rule 71. Every motion shall be reduced to writing if the Speaker or any member demands it.*

***Must Be Germane.***

***Rule 72. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.***

***Privileged.***

***Rule 73. When a question is under debate, no motion shall be entertained but to adjourn; to take recess; to lay on the table; for the previous question; to postpone to a certain day; to commit or amend, or postpone indefinitely; which several motions shall have precedence in the order herein set forth.***

***Dilatory.***

***Rule 74. When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.***

***To Adjourn in Order--When.***

***Rule 75. Except as above limited, and except when a member is speaking or the roll is being called, a motion to adjourn is always in order, and pending the result of such a motion, no member shall leave his seat in the House.***

***Previous Question.***

***Rule 76. The previous question shall be in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. The proponent shall not be allowed to make a closing statement after the first Monday in May. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.***

***Not Debatable.***

***Rule 77. Motions to adjourn, to lay on the table, for the previous question, calls for the order of business of the day, objection to the division of a question, and all questions relating to priority of business shall be decided without debate.***

***Division of Questions.***

***Rule 78. Any member may have, as a personal right, a division of the question where the sense will admit of it. After statement of the division of the question by the member, any member may immediately object to the motion. Such objection shall be stated by the member and shall be decided by a majority of the members present without further debate by the House.***

***Indefinite Postponement.***

***Rule 79. When a question is postponed indefinitely, the same shall not be acted upon again during the session.***

***Question Laid on Table--How Taken Up.***

***Rule 80. When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds of the members present.***

### *MOTION TO RECONSIDER*

#### *Motion to Reconsider Must be Made In Three Days.*

***Rule 81. When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its final passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.***

#### *Procedure for Motion to Reconsider.*

***Rule 82. A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other business. Any motion to reconsider having failed once shall not be considered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.***

### *DECORUM AND DEBATE*

#### *On Speaking.*

***Rule 83. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker." The member shall confine himself/herself to the questions under debate and avoid personality. If any member violates the rules of the House the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case without debate.***

#### *Appeals.*

***Rule 84. If there is no appeal, the decision of the Chair is final. If the decision is in favor of the member called to order he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.***

#### *Member to Rise; When Two or More Rise.*

***Rule 85. The Speaker shall not recognize any member desiring to speak unless such member arises at his/her desk. When two or more members rise at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.***

#### *Member May Speak--How Often.*

***Rule 86. No member shall speak more than twice on the same question without leave of the House, nor more than once until any other member desiring to speak has spoken. Except when reporting a bill or resolution from a committee, no member may speak, interrogate or inquire for more than fifteen minutes unless by unanimous consent of the House.***

#### *No Member Shall Name Another Member in Debate.*

***Rule 87. No member shall name another member in debate, but shall refer to the member by district number or by county.***

#### *Members Not to Walk Across the House--When.*

*Rule 88. While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Chair.*

*Order of Questions.*

*Rule 89. All questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 73.*

*Voting.*

*Rule 90. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present in the chamber when the vote was taken. Nothing herein contained shall prohibit a member from voting "Present" on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost.*

*Members Not to Interrupt Calling of Ayes and Noes; Changing Vote.*

*Rule 91. No member shall be permitted to interrupt a roll call and no member shall be allowed to vote or to change his/her vote (except to have his/her vote correctly recorded) after a verification is begun, or after the final vote is announced.*

*Verification of the Roll.*

*Rule 92. Any five members may demand a verification of the roll if such demand is made before the vote is announced.*

*Bell to Signal Beginning and End of Vote.*

*Rule 93. At a reasonable time prior to the beginning of taking the ayes and noes by electric roll call on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.*

*Reference to Electric Roll Call System to be Understood.*

*Rule 94. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes and noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electric roll call system. There shall be a taking of the vote by electric roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in cases of tie votes the board may be left open for a longer period of time.*

*Dress Code.*

*Rule 95. At all times when the House is seated, proper attire for gentlemen shall be coat and tie. Proper attire for women shall be dresses, skirts or slacks worn with a blazer or sweater. This rule shall apply to all members on the floor of the House and lower gallery.*

*Eating, Smoking, and Other Distractive Activities*

*Rule[s] 96. No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in Session. Smoking is prohibited in the House Chambers, upper and*

*lower galleries, except members may smoke in the East Gallery.*

*Ascending the Dais.*

*Rule 97. No person shall ascend the Dais without first being recognized to do so by the Speaker.*

## *INTERIM PROCEDURE*

### *Bills--End of First Regular Session.*

*Rule 98. (a) To be Laid Upon Speaker/President's Desk; When Re-referred. All House Bills or House joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate bills and joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro-Tem's desk. House bills and joint resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years.*

*(b) When Rule May be Suspended. This rule may only be suspended by a vote of two-thirds of the elected members of the House.*

### *Bills--Pre-Filing.*

*Rule 99. A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the filing period preceding a regular session of the general assembly in odd-numbered years, the Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the general assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that general assembly.*

### *Interim Committees.*

*Rule 100. All standing committees named during the first regular session of a general assembly may meet to consider bills or to perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the standing committee, to act in the place of the standing committee during the interim. Members of each of the committees, or any subcommittee thereof, shall be reimbursed from the contingent fund of the House for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee if approved by the Speaker.*

## *CALL OF THE HOUSE*

### *Names of Absentees to be Called.*

*Rule 101. A call of the House may be made at any time on motion seconded by ten members and sustained by a majority of those present; (names of members may be called orally or by electric roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.*

### *Absent Members May Be Sent For.*

*Rule 102. Upon the call of the House, the names of those members present shall be recorded and the*

*absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.*

*Prohibited While Electric Voting System Open.*

*Rule 103. No call of the House shall be made after the Speaker has directed the clerk to open the electric voting device to record the names of the members and until the vote be announced.*

*Majority Not Under Arrest May Censure and Fine*

*Delinquent Members.*

*Rule 104. The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.*

*Release from Custody.*

*Rule 105. When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.*

*[PROCEDURE IN] COMMITTEE OF WHOLE HOUSE*

*[Committee of the Whole House] When Permitted.*

*Rule 106. On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.*

*Chairman Appointed by Speaker.*

*Rule 107. In forming a Committee of the Whole House, the Speaker shall leave his/her chair, and a Chairman preside in the Committee, who shall be appointed by the Speaker.*

*Procedure Upon Bills.*

*Rule 108. Upon a bill being committed to a Committee of the Whole House, the same shall first be read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.*

*Amendment to Motion Must be Incorporated in Original Motion.*

*Rule 109. All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.*

*Amendment Shall be Noted.*

*Rule 110. All amendments made to reports, resolutions or other matters committed to a Committee of the Whole House shall be noted and reported, as in case of bills.*

*Rules of Proceedings.*

*Rule 111. Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.*

***Quorum.***

***Rule 112. A majority of the members elected shall be a quorum to do business; and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.***

***ADMISSION TO HALL***

***Definitions.***

***Rule 113. The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the Hall shall be known as the upper gallery.***

***Admission to House Floor.***

***Rule 114. No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders and Chairman of the Budget Committee. Other persons may be admitted to the floor and East Gallery with the consent of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.***

***Admission to Lower Gallery.***

***Rule 115. No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the [General Assembly] House, Joint Committee Staff, the Governor, the Lieutenant Governor, Secretary of State, the State Auditor, the State Treasurer, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Courts of Appeals or Circuit Courts, Attorney General, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization. No official except current members of the General Assembly otherwise allowed to the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the chair upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.***

***Admission to Upper Gallery.***

***Rule 116. The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the press having valid credentials issued by the Speaker. The upper rear gallery shall be reserved for special guests of members of the House admitted by personal pass issued by any member. The upper side galleries shall be open to the public.***

***There shall be no smoking in the upper rear or upper side galleries.***

***[Admission to Lower Gallery] Privileges of Former Members.***

***Rule 117. Former members of either House of the General Assembly employed as legislative counsel or agents shall enjoy only such privileges as are under these rules accorded to other legislative counsel and agents.***

***Permission Required for Electronic Devices.***

***Rules 118. Tape recorders, portable phones, video equipment, television equipment, photography equipment, laptop type computers and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House Chambers unless permission has been granted from the Chair. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized, unless any other member objects to the noise created or generated by any such***

*laptop computer in which case the Chair may rule on whether or not any specific laptop computer shall be removed from the House floor.*

*RULES*

*May be Rescinded or Amended--How.*

*Rule 119. Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution.*

*May Be Dispensed With.*

*Rule 120. Rules 82 and 83 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds of the elected members concur therein. No other standing rule or order of the House shall be dispensed with, except by unanimous consent or unless a constitutional majority concur therein and motions*

*for that purpose shall be limited to the question or proposition under consideration.*

*Jefferson's Manual.*

*Rule 121. The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules and Practice of the House of Representatives of the United States, 97th Congress", and all extensions and amendments thereto as annotated and revised by Cannon and Deschler, shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Chief Clerk will make available copies of said documents in his/her office to any member who so requests, except if the member wishes to keep the documents, the House will purchase such documents for the member and the member will reimburse the House for cost of the documents. The Manual and Digest of the rules and practice, above referred to, shall be taken as authority in deciding questions not otherwise provided for in these rules.*

*House Resolution No. 5 was referred to the Committee on Rules and Joint Rules.*

*The Speaker appointed the following to serve on the Rules and Joint Rules Committee.*

*Chairman: Backer*

*Vice Chairman: Crump*

*Harlan*

*Days*

*Scheve*

*May (108)*

*Kreider*

*Richardson*

*Lograsso*

*Shields*

*Legan*

*Scott*

*Representative Backer offered House Resolution No. 6.*

*HOUSE RESOLUTION NO. 6*

***Whereas**, upon occasion the members of the Missouri House of Representatives pause to recognize those outstanding public servants who have consistently performed their official duties with the highest degree of dedication, competence, and integrity; and*

***Whereas**, the Honorable Rebecca McDowell Cook merits special praise and commendation for the able and effective manner in which she has performed her duty of presiding over the deliberation of the House of Representatives prior to its temporary organization, one of the numerous responsibilities of the Secretary of State pursuant to the Constitution of the Great State of Missouri; and*

***Whereas**, a public servant deeply devoted to the needs of Missouri and its many fine citizens, the Honorable Rebecca Cook has worked tirelessly in her important capacity as Secretary of State since taking the oath of office on December 16, 1994; and*

***Whereas**, the first Cape Girardeau County native to hold statewide office in Missouri in 93 years, Rebecca Cook has distinguished herself as Missouri's 36th Secretary of State; and*

***Whereas**, during her illustrious tenure in office, Rebecca Cook has focused on increasing participation in the elections process with various projects such as First Vote, a program encouraging high school seniors to register and begin a lifetime of voting as responsible citizens; and*

***Whereas**, Rebecca Cook has initiated such impressive projects as the implementation of a centralized voter registration system, expanding the use of technology in libraries across the state, helping older Missourians avoid investment fraud, and encouraging voter participation:*

***Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, join unanimously in expressing sincere appreciation and deep gratitude to the Honorable Rebecca Cook for the proud and faithful manner in which she has served this legislative body and in wishing her only the best in her continuing endeavors to meet the needs of Missouri's citizens by providing them with the finest quality of service and information available through the office of the Secretary of State; and*

***Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Rebecca McDowell Cook, as a mark of our esteem for her.*

*On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 6 was adopted.*

*Representative Backer offered House Resolution No. 7.*

*HOUSE RESOLUTION NO. 7*

***Whereas**, as the Eighty-ninth General Assembly of the State of Missouri convenes on Wednesday, January 8, 1997, the members of the Missouri House of Representatives proudly acknowledge services rendered to the General Assembly by distinguished public servants of this fair state; and*

***Whereas**, the Honorable John C. Holstein, Chief Justice of the Supreme Court of Missouri, deserves countless words of praise and commendation for the selfless manner in which he has given of his valuable time to administer the oath of office to members of this legislative body in accordance with Missouri law; and*

***Whereas**, during the inaugural session of the House of Representatives, Justice Holstein displayed the highest degree of dedication in continuing the long-established tradition of rendering a sense of both dignity and solemnity in the prestigious ceremony which marks the official beginning of each legislator's two-year term in office as an elected representative of the people of Missouri; and*

***Whereas**, since his appointment to the Supreme Court in October, 1989, Judge Holstein has worked tirelessly to help maintain open lines of communication between the judicial and legislative branches of Missouri state government so that each may be informed of the role of the other in serving all citizens; and*

***Whereas**, it is entirely fitting and proper that this legislative body should take pause to applaud the numerous laudable achievements of the Honorable John C. Holstein during his exemplary legal career:*

***Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, join unanimously in expressing our most sincere thanks and deepest appreciation to the Honorable John C. Holstein for the devoted and faithful manner in which he has served this body in the Eighty-ninth General Assembly and further extend our very best wishes for continued great success and even more outstanding accomplishments in executing his numerous varied duties and responsibilities as Chief Justice of our State's Highest Court; and*

***Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable John C. Holstein, as a mark of our esteem for him.*

*On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 7 was adopted.*

*Representative Gratz offered House Resolution No. 8.*

*Representative Smith offered House Resolution Nos. 9 and 10.*

*Representative McClelland offered House Resolutions Nos. 11, 12 and 13.*

*Representative Farnen offered House Resolution No. 14.*

*Representative Hartzler (124) offered House Resolution Nos. 15 and 16.*

*Representative Koller offered House Resolution No. 17.*

*Representative Ransdall offered House Resolution No. 18.*

*HOUSE CONCURRENT RESOLUTIONS*

*Representative Backer offered House Concurrent Resolution No. 1.*

*HOUSE CONCURRENT RESOLUTION NO. 1*

*BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Thursday, January 16, 1997, to receive a message from His Honor John C. Holstein, the Chief Justice of the Supreme Court of the State of Missouri; and*

*BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.*

*On motion of Representative Backer, Rule 63 was suspended and House Concurrent Resolution No. 1 was adopted.*

*Representative Backer offered House Concurrent Resolution No. 2.*

*HOUSE CONCURRENT RESOLUTION NO. 2*

*BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 22, 1997, to receive a message from His Excellency, the Honorable Mel Carnahan, Governor of the State of Missouri; and*

*BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Eighty-Ninth General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.*

*On motion of Representative Backer, Rule 63 was suspended and House Concurrent Resolution No. 2 was adopted.*

*Representative Schilling, et al, offered House Concurrent Resolution No. 3.*

*Representatives Burton and Mays (50) offered House Concurrent Resolution No. 4.*

*Representative Murphy offered House Concurrent Resolution No. 5.*

*Representative Smith, et al, offered House Concurrent Resolution No. 6.*

*OATH OF OFFICE*

*The following House Officers subscribed to the oath of office administered by the Speaker.*

*Chief Clerk..... Anne C. Walker*

*Doorkeeper..... Carl Strader*

*Sergeant-at-Arms..... Larry Walker*

*Chaplains..... Fr. Hugh Behan and Rev. Cheryl L. Tatham.*

*INAUGURAL COMMITTEE*

*The following members have been appointed to the Speaker's Inaugural Committee: Representatives Gaw,*

*Kreider, Backer, Crump, Days, Scheve, Murray, Thompson (37), Williams (121), Tate, McBride, Wiggins, Richardson, Lograsso, Shields, Scott, Froelker and Kauffman.*

*SPEAKER ADDRESSES THE HOUSE*

*For the 89th time in its great history, the citizens of the state of Missouri have instructed their elected representatives to meet and consider changes in the laws governing this state.*

*I thank my colleagues in the Missouri House for the honor you have given me today. I appreciate your confidence and hold sacred your trust.*

*I have one other person I would like to thank today. As all of you know, the past year has brought many new demands and sacrifices to my personal and professional life. Despite all the changes and the new challenges, there is nothing more important to me than the woman I share my life with. Please join me in saying thank you to my wife, Fannie.*

*I also extend my congratulations to those who have been selected to return to this glorious chamber, and my special congratulations to those who are serving in this chamber for the first time. I ask all members who have been elected for their first full term to stand up and receive our congratulations.*

*I asked for all of you to stand for two reasons. First, to honor you for your commitment to this state. And secondly, because that may be the only opportunity you have to be applauded for something that you do here.*

*In all seriousness, the tasks we have before us, like our commitment to them, are great. Eighteen weeks from Friday, we will adjourn and history will be the judge of our efforts.*

*Our body, the Missouri House of Representatives, is constantly judged by the people we serve. When voters went to the polls in November, they reelected all current statewide officials and left the political makeup of this body essentially the same. This indicates, to me, the public is generally satisfied with the direction this state has been headed for the last four years.*

*Consider where this state is at this point of time in history. Our state economy is strong, our tax rate is 49th in the nation, and our unemployment rate is low. We are one of the few states with a Triple-A bond rating and we have been recognized as the third-best fiscally-managed state in the country.*

*More criminals are being prosecuted and they are being punished with some of the toughest sentencing laws in the country. And for sexual predators, there is no place to hide in the state of Missouri.*

*We are noticing marked improvements in our education system as well. Learning has been enhanced with reduced class sizes, educators have better access to new technology and grants are now available for increased security in our schools. Our students are receiving a better education and we have given the public important tools to monitor the success of their local schools.*

*The quality of health care in this state is improving, with important advances in childhood immunizations, and longer maternity stays for new mothers.*

*The outlook for Missouri business is strong. During the last four years:*

*more than 300,000 new jobs have been created;*

*our efforts to reduce the costs of workers' compensation insurance has had a positive and dramatic effect on those rates;*

*and our export business continues to grow as current markets are demanding more of our goods and new markets are opening up to us.*

*Hundreds of new businesses are now calling Missouri home, and hundreds of existing business have expanded.*

*Now, our task is to build on this record of accomplishment. In doing so, let us see not just the path at our feet, but to the horizon to which it leads.*

*This year we will face issues that will take much of our attention.....complicated issues such as additional welfare reform, managed health care, and tax increment financing. We will have an opportunity to eliminate the general sales tax on food and make college and technical training more affordable.*

*But the real test for our success must be in the results we produce----for Missouri's families, and most importantly, for the future of Missouri's children.*

*While we have come far in four years we have farther yet to go.*

*Listen to some of the statistics from the 1996 annual KIDS COUNT report, compiled by the Citizens for Missouri's Children.*

*Our infant mortality rate, while decreasing, is still too high, since of every 1,000 children born in Missouri, eight are expected to die in infancy.*

*More than 28,000 Missouri children are born with low birth weights.*

*In 1995, 280 teenagers in Missouri died a violent death, a 16 percent increase over 1994.*

*Nearly 34,000 teenagers dropped out of school in the 1993-94 school year. Estimates by education officials say about one out of every four freshmen students this year will drop out by the year 2000.*

*While this news is disturbing enough, the report states that rates for minority children in most of these categories are two to three times higher than those for Caucasian children. The Department of Corrections say that about 36 percent of inmates entering our system are functionally illiterate and around 45 percent do not have a high school diploma.*

*We need to carefully analyze this and other information and determine how to make this a better state for children to live in.*

*There should be little doubt that eliminating the general sales tax on food will have a positive impact on the lives of working Missouri families. This, simply, is an issue of fairness.*

*The current tax refund system of returning money collected over the Hancock Amendment lid rewards the wealthiest Missourians who pay income taxes. The working men and women of Missouri who put food on the table and pay sales, property and other taxes, deserve the direct benefits of this sales tax reduction.*

*Investment also needs to be made this session in the future of Missouri students wishing to go to college. The governor's proposal to issue tax credits up to $1,500 per year for the first two years of post-secondary education will greatly assist students whose only obstacle to higher learning is a financial one.*

*The measure also allows adults who need to go back to be retrained when old skills are no longer marketable. Such investment produces positive long-term results for the individuals and for the state. The wisdom of such investments should be obvious.*

*But some of our long-term challenges this year will come from reform in welfare. The positive results of the welfare reforms approved by this body two years ago are evident---moving 43,000 individuals from welfare to work. With proposed additional adjustments to Missouri's laws on child support enforcement -- parents, not the state -- will bear a larger responsibility.*

*But we must take care this year to avoid the pitfalls of short-term success at the price of long-term failure. Numbers of individuals moving from welfare to work should not alone provide the measure for our success.*

*We should consider other things as well---and central among them should be our children and their future.*

*Where will we be in 15 years if children of single mothers going into the workforce have no stable day care?*

*Where will we be on children's health if children go uncovered because we have not bridged the insurance gap that exists between the Medicaid-covered welfare recipients and the uncovered children of many of the working poor?*

*Where will we be on employment opportunities for young men and women in our inner cities and rural areas?*

*I think the question that should be asked when we examine legislation this session is where will we be as a result of our actions in five, 10, 15 years?*

*Will we produce more high school dropouts in prison or more graduates at work?*

*Will we lower the number of our low birth weight babies, saving lives and millions of dollars of health care costs?*

*Will we lower the number of births to single teen mothers?*

*Will we decrease the number of violent juvenile deaths?*

*Will we create support systems for children without traditional family support in day care and community?*

*Will we invest in our children's future with the zest that we now spend on building walls to protect us from the failures of our past?*

*It is time for us to take our eyes off our feet and put them on the horizon. Let us set goals that establish standards to measure our state's and communities' success.*

*Let us all work together with the enthusiasm generated from knowing we are not lost in the wilderness, but are headed in the right direction.*

*We can look back with the perfect vision of hindsight over the last four years knowing that we have made progress. Let us move forward striving for a similar vision of the future for everyone in Missouri, but mainly for our children.*

*Thank you.*

*MESSAGES FROM THE SENATE*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has offered and adopted the following resolution:*

*SENATE RESOLUTION NO. 2*

*BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Eighty-ninth General Assembly is duly convened and is now in session and ready for consideration of business;*

*BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is*

*now organized with the election of the following named officers:*

*President Pro Tem ..... William P. McKenna*

*Secretary of Senate ..... Terry L. Spieler*

*Sergeant-at-Arms ..... Lester S. Marcum*

*Doorkeeper ..... Rex Adams*

*Chaplain ..... Reverend G. Dale Norfold*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted SCR 2.*

*SENATE CONCURRENT RESOLUTION NO.2*

*BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 13, 1997; and that the joint committee is authorized to expend the necessary amount in making such plans and arrangements; with expenses to be paid from the joint contingent fund; and*

*BE IT FURTHER RESOLVED that Administration Committee of the Senate and the Accounts Committee of the House of Representatives audit, allow and pay the expenses for the legislative participation in the inauguration and that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.*

*In which the concurrence of the House is respectfully requested.*

*INTRODUCTION OF HOUSE JOINT RESOLUTIONS*

*The following House Joint Resolutions were read the first time and 1,000 copies ordered printed:*

*HJR 1, introduced by Representative Hosmer, relating to education.*

*HJR 2, introduced by Representative Kreider, relating to school district indebtedness.*

*HJR 3, introduced by Representative Backer, relating to education.*

*HJR 4, introduced by Representative Marble, relating to qualifications of voters.*

*HJR 5, introduced by Representative Marble, relating to tenure of public officers.*

*HJR 6, introduced by Representative Kauffman, relating to bingo.*

*HJR 7, introduced by Representative Gratz, relating to the state auditor.*

*INTRODUCTION OF HOUSE BILLS*

*The following House Bills were read the first time and 1,000 copies ordered printed:*

*HB 26, introduced by Representative Hartzler (124), et al, relating to telephonic search warrants.*

*HB 27, introduced by Representative Hartzler (124), et al, relating to sexual offenses.*

*HB 28, introduced by Representative Cooper, relating to state sales and use tax exemptions.*

*HB 29, introduced by Representative Hall, relating to the protection of children in foster and adoptive placements.*

*HB 30, introduced by Representative Hall, relating to child abuse.*

***HB 31, introduced by Representative Backer, relating to peripheral zoning.***

***HB 32, introduced by Representative Bland, relating to certain health care providers.***

***HB 33, introduced by Representative Bland, relating to jury service.***

***HB 34, introduced by Representative Bland, relating to certain child care facilities.***

***HB 35, introduced by Representative Bland, relating to academic scholarships for certain motivated and talented students.***

***HB 36, introduced by Representative Hosmer, relating to sales taxation.***

***HB 37, introduced by Representatives Hosmer and Dougherty, et al, relating to crimes and punishments.***

***HB 38, introduced by Representative Hosmer, relating to the protection of certain children.***

***HB 39, introduced by Representative Hosmer, relating to certain institutions of higher education.***

***HB 40, introduced by Representative Hosmer, relating to certain licensed professionals who are in default on student loans.***

***HB 41, introduced by Representative Hosmer, relating to certain political party committees.***

***HB 42, introduced by Representative Hosmer, relating to funds for county roads and bridges.***

***HB 43, introduced by Representatives Hosmer and Gratz, relating to certain political activities.***

***HB 44, introduced by Representative Hosmer, relating to criminal procedure.***

***HB 45, introduced by Representatives Copeland and Crump, relating to the crime of unlawful use of weapons.***

***HB 46, introduced by Representative Bland, relating to taxation.***

***HB 47, introduced by Representative Bland, relating to liquor control.***

***HB 48, introduced by Representative Bland, relating to economic development in certain economically depressed areas.***

***HB 49, introduced by Representative Bland, relating to establishing tax credits for businesses who purchase certain goods and services.***

***HB 50, introduced by Representative Gratz, et al, relating to fences.***

***HB 51, introduced by Representative Shear, relating to the humanities trust fund.***

***HB 52, introduced by Representative Shear, relating to certain health care benefits.***

***HB 53, introduced by Representative Shear, relating to certain health care benefits.***

***HB 54, introduced by Representative Shear, relating to certain health care benefits.***

***HB 55, introduced by Representative Shear, relating to health insurance.***

***HB 56, introduced by Representative Shear, relating to public officers and employees.***

***HB 57, introduced by Representative Shear, relating to certain child care facilities.***

***HB 58, introduced by Representative Thomason (163), relating to motor vehicle records.***

***HB 59, introduced by Representative Hosmer, relating to probate courts.***

***HB 60, introduced by Representative Gross, relating to service of subpoenas.***

***HB 61, introduced by Representative Cierpiot, et al, relating to employer immunity.***

***HB 62, introduced by Representative Cierpiot, et al, relating to police relief and pension systems.***

***HB 63, introduced by Representatives Griesheimer and Gratz, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer.***

***HB 64, introduced by Representative Kissell, relating to property taxation.***

***HB 65, introduced by Representative Kissell, relating to criminal procedure.***

***HB 66, introduced by Representative Kissell, relating to certain escrow accounts.***

*HB 67, introduced by Representatives Chrismer, Gross, Surface, Burton, Pryor, Summers, Howerton, Bartelsmeyer, Ridgeway, Hegeman, Hartzler (124), Akin, Secrest, Kasten, Champion, Nordwald, Evans, Griesheimer, Gibbons, Richardson, Edwards-Pavia, Enz, Cierpiot, Bennett (15), Miller, Legan, Donovan, Scott, Kelley (47), Hartzler (123), Robirds, Patek, Townley, Dolan, Hendrickson, Marble, Berkstresser, Graham (106), Boatright, Lograsso, Hand, Holand, Purgason, Cooper, Crawford, Reinhart, Gaston, Levin, Naeger and Sallee, relating to sales taxation.*

*HB 68, introduced by Representative Boucher, relating to fire safety.*

*HB 69, introduced by Representative Reynolds, relating to peace officers' arrest powers.*

*HB 70, introduced by Representative Boucher, relating to durable power of attorney.*

*HB 71, introduced by Representative Boucher, relating to the establishment of the family development account program.*

*HB 72, introduced by Representative Boucher, relating to sheltered workshops.*

*HB 73, introduced by Representative Kreider, relating to school buses.*

*HB 74, introduced by Representative Bland, relating to health insurance.*

*HB 75, introduced by Representative Bland, relating to cancellation of insurance policies.*

*HB 76, introduced by Representative Bland, relating to consumer choice of health care providers.*

*HB 77, introduced by Representative Bonner, relating to seven-director school districts.*

*HB 78, introduced by Representative Bonner, relating to local school attendance.*

*HB 79, introduced by Representative Bonner, relating to excursion boat gambling.*

*HB 80, introduced by Representative Champion, relating to certain contract provisions.*

*HB 81, introduced by Representative Champion and Long, relating to state income taxes.*

*HB 82, introduced by Representative Champion, relating to disclosures of certain fund-raising costs.*

*HB 83, introduced by Representative Bray, et al, relating to freedom of expression.*

*HB 84, introduced by Representative Bray, relating to teachers of the public schools.*

*HB 85, introduced by Representative Bray, relating to the public service commission.*

*HB 86, introduced by Representative Leake, relating to sales tax exemptions.*

*HB 87, introduced by Representative Kreider, et al, relating to county building codes.*

*HB 88, introduced by Representative Smith, et al, relating to administrative rules regarding takings.*

*HB 89, introduced by Representative Smith, et al, relating to motor vehicles.*

*HB 90, introduced by Representative Smith, relating to legislators' reimbursement for expenses.*

*HB 91, introduced by Representative Smith, et al, relating to drug regulations.*

*HB 92, introduced by Representative Backer, relating to employment security.*

*HB 93, introduced by Representative Backer, relating to requiring stripes on the state highways.*

*HB 94, introduced by Representative Long, relating to the name of certain highways.*

*HB 95, introduced by Representative Long, relating to emergency 911 service.*

*HB 96, introduced by Representative Long, relating to confidential records.*

*HB 97, introduced by Representative Long, relating to county government.*

*HB 98, introduced by Representative Boucher, relating to combative fighting.*

*HB 99, introduced by Representative Williams (121), relating to county planning.*

*HB 100, introduced by Representatives Williams (121) and Hosmer, et al, relating to motor vehicle safety requirements.*

*HB 101, introduced by Representative Mays (50), relating to taxation.*

***HB 102, introduced by Representative Mays (50), relating to midwives.***

***HB 103, introduced by Representative Mays (50), relating to the gaming commission.***

***HB 104, introduced by Representative Bonner, relating to the statute of limitations for certain crimes.***

***HB 105, introduced by Representative Copeland, et al, permits adjustments of operating levy for certain school districts.***

***HB 106, introduced by Representatives Bland and Dougherty, et al, relating to certain health care benefits with a conditional effective date for certain sections.***

***HB 107, introduced by Representative Boucher, relating to a preference by the state to purchase products and services of the blind.***

***HB 108, introduced by Representative Scheve, relating to state aid for schools.***

***HB 109, introduced by Representative Gaskill, relating to motor vehicle dealers.***

***HB 110, introduced by Representative Murphy, relating to legislators' reimbursement for expenses.***

***HB 111, introduced by Representative Nordwald, relating to airports.***

***HB 112, introduced by Representative Nordwald, relating to initiative petitions.***

***HB 113, introduced by Representative Backer, relating to convenience store security.***

***HB 114, introduced by Representative Thompson (37), relating to transportation sales taxes.***

***HB 115, introduced by Representative Carter, relating to automobile insurance.***

***HB 116, introduced by Representative Marble, relating to motor vehicle license plates.***

***HB 117, introduced by Representative Marble, relating to certain retirement systems.***

***HB 118, introduced by Representative Marble, relating to leaving the scene of an accident.***

***HB 119, introduced by Representative Marble, relating to motor vehicles.***

***HB 120, introduced by Representative Smith, relating to special road districts.***

***HB 121, introduced by Representative Smith, et al, relating to certain violations of criminal laws.***

***HB 122, introduced by Representative Smith, relating to court costs for crime prevention programs.***

***HB 123, introduced by Representative Howerton, relating to motor vehicles.***

***HB 124, introduced by Representatives Dougherty and Donovan, relating to children's trust fund special license plates.***

***HB 125, introduced by Representative Heckemeyer, relating to certain municipal police departments.***

***HB 126, introduced by Representative Dougherty, relating to adoption records.***

***HB 127, introduced by Representative Edwards-Pavia, relating to elections.***

***HB 128, introduced by Representative Shear, relating to certain health care benefits.***

***HB 129, introduced by Representative Shear, relating to health insurance.***

***HB 130, introduced by Representative Shear, relating to the department of health.***

***HB 131, introduced by Representative Rizzo, relating to real property tax increment allocation redevelopment.***

***HB 132, introduced by Representative Rizzo, relating to prostitution.***

***HB 133, introduced by Representative Lograsso, relating to extracurricular activities.***

***HB 134, introduced by Representatives Thomason (163) and Ross, et al, relating to motor vehicles.***

***HB 135, introduced by Representative Dougherty, et al, relating to fuel conservation.***

***HB 136, introduced by Representative Kauffman, relating to the operation of motor vehicles.***

***HB 137, introduced by Representative Relford, relating to motor vehicles.***

***HB 138, introduced by Representative Troupe, relating to providers of nutritional information.***

***HB 139, introduced by Representative Smith, relating to curators' powers.***

***HB 140, introduced by Representative Smith, relating to real property taxation.***

***HB 141, introduced by Representative Smith, relating to convenience store security.***

***HB 142, introduced by Representative Murphy, relating to the exemption of food from sales and use taxes.***

***HB 143, introduced by Representative Scheve, relating to the state income taxes.***

***HB 144, introduced by Representative Scheve, relating to gubernatorial appointments.***

***HB 145, introduced by Representative Scheve, relating to the elderly home delivered meals trust fund.***

***HB 146, introduced by Representative Scheve, relating to certain tax credits.***

***HB 147, introduced by Representative Scheve, relating to gaming funds.***

***HB 148, introduced by Representative Lograsso, relating to appeals.***

***HB 149, introduced by Representative Lograsso, relating to communications.***

***HB 150, introduced by Representative Gaskill, relating to the conveyance of certain real property by the department of natural resources located in McDonald County.***

***HB 151, introduced by Representative Smith, relating to fees on hazardous wastes.***

***HB 152, introduced by Representative Crump, et al, relating to the patrol.***

***HB 153, introduced by Representative Wooten, relating to hospital safety.***

***HB 154, introduced by Representative Chrismer, et al, relating to the regulation of abortion.***

***HB 155, introduced by Representative Green, relating to state income taxes.***

***HB 156, introduced by Representatives Carter and Auer, relating to automobile insurance.***

***HB 157, introduced by Representative Hickey, relating to sales taxation.***

***HB 158, introduced by Representative Champion, relating to failure to obey the lawful order of emergency personnel.***

***HB 159, introduced by Representative Champion, relating to sewer improvement assessments.***

***HB 160, introduced by Representative Gunn, relating to investments of insurance companies.***

***HB 161, introduced by Representative Gunn, relating to sales and use taxation.***

***HB 162, introduced by Representative Gunn, relating to motor vehicle insurance.***

***HB 163, introduced by Representative Gunn, relating to insurance claims.***

***HB 164, introduced by Representative Gunn, relating to expungement of certain criminal records.***

***HB 165, introduced by Representative Thomason (163), relating to special motor vehicle license plates.***

***HB 166, introduced by Representative Schilling, relating to murder.***

***HB 167, introduced by Representative Treadway, relating to the licensing of physicians and surgeons.***

***HB 168, introduced by Representative Treadway, relating to the state board of registration for the healing arts.***

***HB 169, introduced by Representative Skaggs, relating to the public school retirement systems.***

***HB 170, introduced by Representative Auer, relating to sales tax exemption for food.***

***HB 171, introduced by Representatives Leake and Koller, et al, relating to state income taxes.***

***HB 172, introduced by Representative Leake, relating to campaign contributions.***

***HB 173, introduced by Representative Hickey, et al, relating to cities of the fourth class.***

***HB 174, introduced by Representatives Ford and Daniel (42), relating to the creation of the workfare renovation project.***

***HB 175, introduced by Representative Auer, relating to the Missouri property and casualty insurance guaranty association.***

***HB 176, introduced by Representative Treadway, relating to the regulation of certain telecommunications and information technology systems.***

***HB 177, introduced by Representative Naeger, relating to the transportation of pupils to all schools.***

***HB 178, introduced by Representative Liese, relating to gambling.***

***HB 179, introduced by Representative Alter, relating to arrest powers of peace officers.***

***HB 180, introduced by Representative Backer, relating to campaign financing.***

***HB 181, introduced by Representative Liese, relating to certain liens on professional health care services.***

***HB 182, introduced by Representative Liese, relating to the department of insurance.***

***HB 183, introduced by Representative Liese, relating to the department of insurance.***

***HB 184, introduced by Representative Bray, relating to certain civil actions for discrimination.***

***HB 185, introduced by Representative Bray, relating to certain rights and obligations of employers and employees regarding termination of employment.***

***HB 186, introduced by Representatives Carter and Green, relating to certain merchandising practices of utilities.***

***HB 187, introduced by Representative May (108), relating to court costs for jury panels.***

***HB 188, introduced by Representative Mays (50), relating to the business regulation practices of cities.***

***HB 189, introduced by Representative Hartzler (124), et al, relating to motor vehicles.***

***HB 190, introduced by Representative Rizzo, et al, relating to the licensing of acupuncturists.***

***HB 191, introduced by Representative Bartelsmeyer, et al, relating to insurer's vexatious refusal to settle.***

***HB 192, introduced by Representative Stoll, relating to publication of legal notices.***

***HB 193, introduced by Representative Auer, relating to insurance company investments.***

***HB 194, introduced by Representative Auer, relating to financial responsibility for motor vehicles.***

***HB 195, introduced by Representative Auer, relating to the department of insurance.***

***HB 196, introduced by Representative Auer, relating to automobile insurance coverage of loaned vehicles.***

***HB 197, introduced by Representative Auer, relating to insurance regulations.***

***HB 198, introduced by Representative Troupe, relating to the release of medical records.***

***HB 199, introduced by Representative Scheve, relating to motor vehicle license plates.***

***HB 200, introduced by Representative Dougherty, relating to animals.***

***HB 201, introduced by Representative Dougherty, et al, relating to family court commissioners.***

***HB 202, introduced by Representative Dougherty, et al, relating to public school personnel.***

***HB 203, introduced by Representative Dougherty, relating to the duties of the board of trustees of certain police retirement systems.***

***HB 204, introduced by Representative Auer, relating to pawnbrokers' responsibility regarding stolen property.***

***HB 205, introduced by Representative Auer, relating to certain teacher and school employee retirement systems.***

***HB 206, introduced by Representative Koller, relating to motor vehicles.***

***HB 207, introduced by Representative Koller, relating to the motor vehicle commission.***

***HB 208, introduced by Representative Koller, relating to billboard regulations.***

***HB 209, introduced by Representatives Rizzo and McLuckie, relating to cable television.***

***HB 210, introduced by Representative Gratz, relating to income taxation.***

***HB 211, introduced by Representatives Williams (159) and Legan, et al, relating to agricultural products.***

*HB 212, introduced by Representative Treadway, relating to the division of professional registration.*

*HB 213, introduced by Representative Treadway, relating to intersectional reference in real estate broker disclosure statute.*

*HB 214, introduced by Representative Thomason, relating to certain merchandising practices.*

*HB 215, introduced by Representative Dougherty, et al, relating to the establishment of caseload standards for certain employees of the department of social services.*

*HB 216, introduced by Representative Ross, relating to motor vehicle license plates.*

*HB 217, introduced by Representative Ross, et al, relating to the termination of parental rights.*

*HB 218, introduced by Representative Ross, relating to motor vehicle license plates.*

*ELECTION CONTESTS*

*IN THE MISSOURI STATE HOUSE OF REPRESENTATIVES*

*MICHAEL R. FRAME )*

*)*

*Contestant/Plaintiff )*

*for Election for District 105 )*

*State Representative, )*

*)*

*vs. )*

*)*

*MARILYN EDWARDS )*

*)*

*Contestee/Defendant )*

*VERIFIED PETITION FOR ELECTION CONTEST*

*Comes now Michael R. Frame, candidate for election for State Representative for the 105th District of the Missouri House, being duly sworn for his Petition, pursuant to Section 115.563 revised Missouri Statutes, 1982, for a contest of the election held November 5, 1996, and states the following as his election contest causes of action:*

*AUTOMATIC RECOUNT WHERE MARGIN IS LESS THAN ONE PERCENT*

*1. Contestant, Michael R. Frame was the Democratic candidate for the 105th District of the Missouri House of Representatives at the general election held on November 5, 1996.*

*2. Contestee, Marilyn Edwards was the Republican candidate for the 105th District of the Missouri House of Representatives at the general election held on November 5, 1996.*

*3. Said 105th District for the Missouri House of Representatives encompasses part of Jefferson County and part of Franklin County and is duly created and recognized under the laws of Missouri. Hence, the election and vote counting for the election at issue were conducted in both Jefferson County and Franklin County. The election authority for Jefferson County is the County Clerk of Jefferson County, consisting of one person: the Honorable Eleanor Rehm. The election authority for Franklin County is the County Clerk of Franklin County, consisting of one person: the Honorable Tom Herbst.*

*4. On or about November 8, 1996 in Jefferson County, Eleanor Rehm, in her capacity as election authority for*

*said county, certified the results of the election. On or about November 7, 1996, in Franklin County, Tome Herbst, in his capacity as the election authority for said county, make his official certification of the results of said election. The official count as certified by the respective election authorities for the Frame-Edwards race for the 105th District for the Missouri House of Representatives at issue is as follows:*

*FRAME EDWARDS*

*Jefferson County portion of the district. 4,968 4,851*

*Franklin County portion of the district. 795 927*

*Total 5,763 5,778*

*Margin of Defeat: 15 votes*

*This count was certified by the Secretary of State, State of Missouri, Honorable Bekki Cook, pursuant to Section 115.511(2), Revised Missouri Statutes on December 6, 1996.*

*5. Jurisdiction to order this election contest rests with the legislature, pursuant to Section 115.565, Revised Missouri Statutes, 1982.*

*6. More than 11,500 votes were cast in the election at issue, with Candidate, Frame receiving the second-highest vote to Candidate Edwards, losing by a margin of only Fifteen (15) votes. Hence, as candidate receiving the second-highest vote for the office at issue and being defeated by a margin of less than one percent of the votes, Contestant Frame has an automatic right under Missouri law to a recount, pursuant to Section 115.601, Revised Missouri Statutes, 1995.*

*7. Pursuant to Section 115.585, Revised Missouri Statutes, 1993, which defines the scope of a recount for a case such as the present one, Contestant Frame seeks the recount which is his automatic right under Section 115.601, Revised Missouri Statutes, by hand; or in the alternative, by machine count with statutory review of the program, coupled with specified review on an individual basis by the election authorities conducting the recount of the following categories which have so far been identified:*

*(a) Hand count and review of all duplicated ballots in any other category, such as damaged ballots;*

*(b) Hand review of absentee votes which, on their face, were legally deficient for failure to meet statutory standards of which should of which should be counted and were not;*

*(c) Hand review of ballots with write-in votes cast in the 105th District for the Missouri House of Representative race;*

*(d) Hand inspection of ballots for loose chads that could effect the outcome of the election;*

*(e) Any random hand count of select precincts that the Legislature deems reasonable to test the machine count, given the very small margin in the case at issue;*

*(f) Any vote cast by an unqualified voter identified in evidence presented;*

*(g) Any vote properly cast but not duly counted;*

*(h) Registration role checked for eligible voters.*

*(i) Hand inspection of any "overvote" ballots in the 105th State Representative District. and*

*(j) Hand inspection of any"undervote" ballots in the 105th State Representative District.*

*WHEREFORE, Contestant, Frame prays that the legislature shall order a recount of the votes cast in said 105th District for the Missouri House of Representatives election on November 5, 1996, pursuant to Section 115.563 in accordance with the scope of the recount sought in paragraph 7 of this petition, and prays leave to produce any proof required, and that this legislature shall order the election authorities to coordinate and complete the recounts within twenty (20) days of the notice of recount, pursuant to Section 515.601 Revised Missouri Statutes 1995, and that the final figure determined by the legislature shall become the official certified result in this election pursuant to Section 115.589, Revised Missouri Statutes, 1978: or, in the alternative, if the legislature finds irregularities of sufficient magnitude as to cast doubt on the validity of the election, that a new election be*

***ordered, and such other relief as this Secretary of State deems just.***

***Respectfully submitted,***

***/s/ Michael R. Frame***

***Subscribed and sworn to before me this 16th day of December, 1996.***

***Respectfully submitted,***

***/s/ James Daily Wahl***

***Notary Public***

***Respectfully submitted,***

***/s/ James Dailey Wahl #24874***

***Attorney for Contestant/Plaintiff***

***2101 Locust St.***

***St. Louis, MO. 63103***

***IN THE MISSOURI GENERAL ASSEMBLY***

***MISSOURI HOUSE OF REPRESENTATIVES***

***V. Marvalene Pankey,***

***as a registered voter***

***and on behalf of other***

***registered voters,***

***Contestant,***

***vs. Number_____***

***Jim Howerton,***

***and other persons claiming DEMAND FOR HEARING ON***

***election to the Mo. PUBLIC CORRUPTION AND***

***House of Representatives, CONSIDERATION OF ELECTION***

***1996 CONTEST AGAINST ALL ALLEGED***

***MEMBERS HEREIN***

***and***

***AND***

***Rebecca E. McDowell Cook,***

***CALL FOR IMPEACHMENT***

***and PROCEEDINGS TO BEGIN***

***AGAINST REBECCA COOK***

*Ellen S. Roper, THE DAY SHE IS SWORN AS*

*SECRETARY OF STATE AS AN*

*and ELECTED OFFICIAL*

*Jodie Capshaw Asel,*

*Contestees.*

*ELECTION CONTEST CHALLENGING*

*QUALIFICATIONS TO HOLD OFFICE*

*AND*

*1996 ELECTION RETURNS AND RESULTS*

***V. Marvalene Pankey, a registered voter of Johnson County, Mo. challenges Jim Howerton's right to be seated as a member of the Mo. House of Representatives, based on the primary and general election 1996, having invalid returns and results. Contestant further challenges the right of any person claiming to be elected to the Mo. House from the 1996 elections to be seated. She further challenges the right of any member of any bar association or who has failed to uphold the Mo. and U.S. Constitution to be seated as a member of the Mo. House of Representatives.***

*Respectfully submitted,*

*/s/ V. Marvalene Pankey*

*State of Missouri*

*County of Cole*

*On the 2nd day of January 1997 before me appeared V. Marvalene Pankey and affirmed and verified the above.*

*Respectfully submitted,*

*/s/ Sharon A. Knorr*

*Notary Public State of Missouri*

*(Original on file in the Office of the Chief Clerk.)*

*IN THE MISSOURI GENERAL ASSEMBLY*

*MISSOURI HOUSE OF REPRESENTATIVES*

*Donald W. Waldrep,*

*as a registered voter*

*and on behalf of other voters*

*Contestant*

*vs.*

*Number_____*

*Matt Boatright,*

***and other persons claiming DEMAND FOR HEARINGS ON***

***election to Mo. House of Representatives PUBLIC CORRUPTION AND***

***1996, CONSIDERATION OF ELECTION***

***CONTEST AGAINST ALL***

***ALLEGED MEMBERS HEREIN***

***and***

***Rebecca E. McDowell Cook AND***

***and CALL FOR IMPEACHMENT***

***PROCEEDINGS TO BEGIN***

***Ellen S. Roper, AGAINST REBECCA COOK***

***THE DAY SHE IS SWORN AS***

***and SECRETARY OF STATE AS AN***

***ELECTED OFFICIAL***

***Jodie Capshaw Asel,***

***individually and severally,***

***Contestees.***

***ELECTION CONTEST CHALLENGING***

***1996 ELECTION RETURNS AND RESULTS***

***AND***

***QUALIFICATIONS TO HOLD OFFICE***

***Donald W. Waldrep, a registered voter of Pettis County, Missouri, challenges Matt Boatright's claim to office as a member of the Mo. House of Representatives, based on the primary and general election 1996 having invalid returns and results and his having violated his oath of office. Contestant further contests the right all those claiming to have been elected to the Mo. House in the 1996 elections to be seated as members thereof...***

***Respectfully submitted,***

***/s/ Donald W. Waldrep***

***State of Missouri***

***County of Pettis***

***On the 2nd day of January 1997 before me appeared Donald W. Waldrep and affirmed and verified the above.***

***Respectfully submitted,***

***/s/ Floyd F. Self***

***Notary Public State of Missouri***

*(Original on file in the Office of the Chief Clerk.)*

*WITHDRAWAL OF HOUSE BILLS*

*December 11, 1996*

*Honorable Steve Gaw*

*Speaker*

*Missouri House of Representatives*

*Capitol Building*

*Jefferson City, Missouri 65101*

*Dear Mr. Speaker:*

*I respectfully request that House Bill 54 be withdrawn.*

*Respectfully submitted,*

*/s/ Sue Shear*

*December 11, 1996*

*Honorable Steve Gaw*

*Speaker*

*Missouri House of Representatives*

*Capitol Building*

*Jefferson City, Missouri 65101*

*Dear Mr. Speaker:*

*I respectfully request that House Bill 55, be withdrawn.*

*Respectfully submitted,*

*/s/ Sue Shear*

*December 18, 1996*

*Anne Walker*

*Chief Clerk*

*Missouri House of Representatives*

*House Post Office*

*Jefferson City, Missouri 65101*

*Dear Anne:*

*I would like to withdraw House Bill 98.*

*Respectfully submitted,*

*/s/ Bill Boucher*

*December 18, 1996*

*Anne Walker, Chief Clerk*

*Missouri House of Representatives*

*306 Capitol Building*

*Jefferson City, Mo. 65109*

*Dear Anne:*

*I respectfully withdraw House Bill 115.*

*Respectfully submitted,*

*/s/ Paula J. Carter*

*December 30, 1996*

*Anne Walker, Chief Clerk*

*State Capitol, Rm. 306C*

*Jefferson City, Mo. 65101*

*Attention:*

*I am requesting that House Bill 101 be withdrawn.*

*Respectfully submitted,*

*/s/ Carol J. Mays*

*January 7, 1997*

*Anne Walker, Chief Clerk*

*Missouri House of Representatives*

*House post Office*

*Jefferson City, Mo. 65101*

*Dear Anne:*

*I would like to withdraw House Bill 71.*

*Thank you very much.*

*Respectfully submitted,*

*/s/ Bill Boucher*

*ADJOURNMENT*

*On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, January 9, 1997.*

*COMMITTEE MEETING*

*RULES, JOINT RULES, BILLS PERFECTED AND PRINTED*

*Wednesday, January 8, 1997, 3:15 p.m. Hearing Room 9. House Rules.*

*Executive Session may follow.*

*HOUSE CALENDAR*

*SECOND DAY, THURSDAY, JANUARY 9, 1997*

*HOUSE JOINT RESOLUTIONS FOR SECOND READING*

*HJR 1 through HJR 7*

*HOUSE BILLS FOR SECOND READING*

*HB 26 through HB 53*

*HB 56 through HB 70*

*HB 72 through HB 97*

*HB 99 through HB 100*

*HB 102 through HB 114*

*HB 116 through HB 218*

*SENATE CONCURRENT RESOLUTIONS*

*SCR 2, (Jan. 8, 1997) - Backer*

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# House Journal

## First Regular Session, 89th General Assembly

SECOND DAY, Thursday, January 9, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Your people met to pray this morning, O God of faith, called to that task by the Governor of this great state.

And this House now comes to you in prayer as we gather for another day of business in this new year. Give us, O God, a sense of respect and reverence for what we do here. Let us never do work of which we are ashamed. Let us never stoop to that which is mean or low. Let us never do in the present that which in the future we would have cause to regret.

We pray today for the people of California, Washington, Oregon who battle the ravages of flood waters. We pray for the leaders of each state in this great nation that they, too, might be guided by your hand in their deliberations. We pray for the leadership of this country as we move closer to the dawn of a new century.

As the days of this session unfold before us, help us to keep our actions unselfish and considerate of those whom we serve and who have entrusted us to represent the needs of the people of Missouri. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the first day was approved as printed.

**RESOLUTIONS**

Representative Auer, et al, offered House Resolution No. 19.

Representatives Reynolds and Donovan offered House Resolution No. 20.

Representative Lawson offered House Resolution No. 21.

Representative Hartzler (124) offered House Resolution No. 22.

Representative Ransdall offered House Resolution Nos. 23 and 24.

Representative Green offered House Resolution No. 25.

Representative Backer offered House Resolution No. 26.

Representative Griesheimer offered House Resolution No. 27.

Representative Pryor offered House Resolution No. 28.

**HOUSE CONCURRENT RESOLUTION**

Representative Elliott, et al, offered House Concurrent Resolution No. 7.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 1 through HJR 7 were read the second time.**

**SECOND READING OF HOUSE BILLS**

**HB 26 through HB 53, HB 56 through HB 70, HB 72 through HB 97, HB 99 through HB 100, HB 102 through HB 114, and HB 116 through HB 218 were read the second time.**

**SENATE CONCURRENT RESOLUTION**

**SCR 2, relating to inauguration, was taken up by Representative Backer.**

**On motion of Representative Backer, Rule 63 was suspended and SCR 2 was adopted.**

**COMMITTEE REPORT**

**Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HR 5, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**HOUSE COMMITTEE SUBSTITUTE**

**for**

**House Resolution No. 5**

**PROPOSED**

**RULES OF THE HOUSE**

**ORDER OF [BUSINESS] *THE DAY AND CALENDAR***

**Time of Meeting.**

**Rule 1. The time of meeting by the House unless otherwise ordered, shall be 10:00 o'clock a.m.**

***Order of Business.***

**Rule 2. The first of each day, after the House is called to order, shall be employed as follows:**

**(a) Prayer by the Chaplain.**

**(b) Pledge of Allegiance to American Flag.**

**(c) Order of Business:**

**(i) Reading and approval of the Journal of the previous day's session.**

**(ii) Introduction and first reading of House Joint Resolutions.**

**(iii) Introduction and first reading of House Bills.**

**(iv) Second reading of House Bills and Joint Resolutions.**

**(v) Reports of standing committees.**

**(vi) Reports of special committees.**

**(vii) Bills, reports and other business on the table.**

**(viii) House Joint Resolutions to be perfected and printed.**

**(ix) House Bills to be perfected and printed.**

**(x) Third reading of House Joint Resolutions.**

**(xi) Third reading of House Bills.**

**(xii) Messages from the Senate.**

**(xiii) First reading of Senate Joint Resolutions and Senate Bills.**

**(xiv) Second reading of Senate Joint Resolutions and Senate Bills.**

**(xv) Third reading of Senate Joint Resolutions.**

**(xvi) Third reading of Senate Bills.**

**(xvii) Introduction of petitions, memorials, remonstrances and resolutions.**

**(xviii) Adoption of petitions, memorials, remonstrances and resolutions.**

***Headings in House Calendar***

**Rule 3. There shall be provided on the House calendar the following divisions:**

**(a) House Bills for second reading.**

**(b) House Joint Resolutions for second reading.**

**(c) House Bills to be perfected and printed.**

**(d) House Joint Resolutions to be perfected and printed.**

**(e) House Appropriation Bills to be perfected and printed.**

**(f) House Revision Bills to be perfected and printed.**

**(g) House Bills - Federal Mandate to be perfected and printed.**

**(h) House Bills to be perfected and printed--laid over informally.**

**(i) House Joint Resolutions to be perfected and printed--laid over informally.**

**(j) House Appropriation Bills to be perfected and printed--laid over informally.**

**(k) House Revision Bills to be perfected and printed--laid over informally.**

**(l) House Bills - Federal Mandate to be perfected and printed--laid over informally.**

**(m) House Bills to be agreed to and placed upon third reading and final passage.**

**(n) House Joint Resolutions to be agreed to and placed upon third reading and final passage.**

**(o) House Appropriation Bills to be agreed to and placed upon third reading and final passage.**

**(p) House Revision Bills to be agreed to and placed upon third reading and final passage.**

**(q) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage.**

**(r) House Bills to be agreed to and placed upon third reading and final passage--laid over informally.**

**(s) House Joint Resolutions to be agreed to and placed upon third reading and final passage--laid over informally.**

**(t) House Appropriation Bills to be agreed to and placed upon third reading and final passage--laid over informally.**

**(u) House Revision Bills to be agreed to and placed upon third reading and final passage--laid over informally.**

**(v) House Bills - Federal Mandate to be agreed to and placed upon third reading and final passage--laid over informally.**

**(w) House Bills reported out of committee by consent and placed upon Consent Calendar for Perfection.**

**(x) House Bills perfected by consent to be agreed to and placed upon third reading and final passage.**

**(y) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed.**

**(z) Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed--laid over informally.**

**(aa) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.**

**(bb) Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage--laid over informally.**

**(cc) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.**

**(dd) Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage--laid over informally.**

**(ee) Senate Bills for second reading.**

**(ff) Senate Joint Resolutions for second reading.**

**(gg) Senate Bills for third reading and final passage.**

**(hh) Senate Joint Resolutions for third reading and final passage.**

**(ii) Senate Revision Bills for third reading and final passage.**

**(jj) Senate Bills - Federal Mandate for third reading and final passage.**

**(kk) Senate Bills for third reading and final passage--laid over informally.**

**(ll) Senate Joint Resolutions for third reading and final passage-- laid over informally.**

**(mm) Senate Revision Bills for third reading and final passage--laid over informally.**

**(nn) Senate Bills - Federal Mandate for third reading and final passage--laid over informally.**

**(oo) Senate Bills for Third Reading and Final Passage--Consent Calendar.**

**(pp) Courtesy Resolutions Calendar.**

**(qq) House Resolutions and Concurrent Resolutions Calendar.**

**(rr) Senate Concurrent Resolutions Calendar.**

**(ss) Bills in Conference.**

**(tt) House Bills with Senate Amendments.**

**(uu) House Bills taken from Committee, as provided by the Constitution.**

***Orders of the Day***

***Rule 3.5 Upon recess or adjournment the Majority Floor Leader shall advise the entire membership of the business anticipated to be conducted during the remainder of that legislative day and during the next legislative day.***

***[ELECTION OF] OFFICERS***

***GENERALLY***

***Election; Oath; Compensation.***

***Rule 4. The House shall elect the following officers at the commencement of the first regular session of each general assembly[.]: Its presiding officer, who shall be called Speaker of the House, a Speaker Pro Tem, a Chief Clerk, a Sergeant-at-Arms, a Doorkeeper and a Chaplain who shall hold office during all sessions until the convening of the succeeding [regular session] General Assembly, unless sooner removed by a vote of the majority of the members. Each shall receive such compensation as may be provided for by law. Each shall take an oath to support the Constitution of the United States and of this State and to faithfully demean themselves in office and to keep the secrets of the House. Said oath shall be administered to the Speaker and Speaker Pro Tem by a Judge of the Supreme Court, Court of Appeals or a Circuit Court and by the Speaker to the other officers. All other officers of the House shall be appointed by the Speaker and receive such compensation as provided by law.***

***[DUTIES OF THE] SPEAKER***

***Speaker to Call Members to Order.***

***Rule 5. The Speaker shall take the chair at the hour to which the House has been adjourned and immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read (unless otherwise ordered by the House), which may then be corrected by the House.***

***[Speaker May Speak on Points of Order] Parliamentary Rulings; Referral to Parliamentary Committee.***

***Rule 6. Parliamentary rulings may be made only by the Speaker or the Speaker Pro Tem. At their option or at the request from a member of the Parliamentary Committee they may refer points of order to the Parliamentary Committee for an advisory opinion. In their absence rulings shall be made by a parliamentary committee. It shall be the duty of the chair when other than the Speaker or the Speaker Pro Tem to call the Parliamentary Committee at the time the point of order is raised and before any discussion on the point of order takes place. The Committee on Parliamentary Procedure shall be composed of the Speaker, the Majority Leader and the Minority Leader, or their designees.***

***Speaker May Speak on Points of Order***

***Rule 7. The Speaker may speak on points of order in preference to other members, arising from his/her seat for that purpose, and shall decide questions of order, subject to an appeal to the House, upon which appeal no member shall speak more than once, except by leave of the House. No member shall inquire of another member nor debate with other members, points of order but shall address his/her remarks only to the chair.***

***Appeal from the Ruling of the Chair***

***Rule 8. Should there be an appeal from any ruling of the chair, the question, "Shall the chair be sustained?" shall be immediately put and determined before the House proceeds to other business.***

***Speaker Has General Supervision of Hall.***

***Rule 9. The Speaker shall have general direction and supervision of the Hall and shall preserve decorum and order in the Hall.***

***Speaker Has Supervision over House Employees.***

***Rule 10. The Speaker shall have supervision and control over all employees of the House.***

***Speaker May Substitute Member to Perform Duties.***

***Rule 11. The Speaker may substitute any member to perform the duties of the Chair in the absence of the Speaker Pro Tem.***

***Speaker Shall Sign Bills.***

***Rule 12. The Speaker shall sign all bills, and perform all other duties in relation thereto, as required by the Constitution. He/she shall also sign all joint resolutions and addresses; and all writs, warrants and subpoenas issued by order of the House shall be under his/her hand, attested by the Clerk.***

***Speaker May Clear the Hall.***

***Rule 13. In case of disturbance or disorderly conduct in the lobbies or galleries, the Speaker, temporary Speaker or Chairman of the Committee of the Whole House shall have power to order the same cleared.***

***Manner of Putting Questions; When Outcome is in Doubt.***

***Rule 14. The Speaker shall rise to state and put questions. Questions shall be in the following form: "As many as are in favor (by electric roll call) vote "Aye". As many as are opposed (if by electric roll call) vote "No". (Or if by voice vote say "Aye" or "No.") [If the Speaker doubts or a division is called for, the House shall divide, those in the affirmative first rising and afterwards those in the negative. If the Speaker still doubts or a count be required by at least twenty-five (25) members, one from each side to tell the members in the affirmative and in the negative, which being reported, he/she shall rise and state the decision.]***

***[DUTIES OF] OTHER OFFICERS***

***Speaker Pro Tem.***

***Rule 15. The Speaker Pro Tem shall perform the duties of Speaker during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 11.***

***Chief Clerk.***

***Rule 16. It shall be the duty of the Chief Clerk to serve also as Chief Administrator of the House and to attend the House during its sittings. The Chief Clerk, under the direction of the Speaker, shall: prepare and keep the House Journal and seasonably record the proceedings of the House; keep regular files of House papers; attest all writs, warrants and subpoenas issued by order of the House; keep an account of all fines imposed by the House; maintain a record of the members' attendance; keep an account of the traveling and expense allowances of all the members; transmit to the Senate messages, communications, copies and documents of the House; keep a docket of proceedings on all bills, resolutions and acts; and execute the commands of the House from time to time.***

***Assistant Chief Clerk.***

***Rule 17. It shall be the duty of the Assistant Chief Clerk to assist the Chief Clerk in performing his/her duties. The Assistant Chief Clerk shall prepare the daily Journal, supervise the staff of the Chief Clerk, discharge the duties of the Chief Clerk in his/her absence and perform such other duties as may be assigned to him/her.***

***Reading Clerk.***

***Rule 18. The duties of the Reading Clerk shall be to attend the House during its sittings and to read to the House all bills, resolutions and communications, and to perform all such acts as are usually required in connection with [their] his/her office, and said Clerk shall be appointed by the Speaker.***

***Doorkeeper.***

*Rule 19. It shall be the duty of the Doorkeeper subject to the orders of the Speaker to attend the sittings of the House. The Doorkeeper shall allow no person to come or remain within the bar except such as are admitted by the rules or orders of the House. He/she shall announce all messages or communications from the Governor or the Senate, and admit the bearer within the bar. He/she shall execute the commands of the Speaker, in relation to his/her duties, and shall obey such other orders as may be made by the House.*

*Sergeant-at-Arms.*

*Rule 20. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to execute the commands of the House from time to time, together with such process issued by authority thereof as shall be directed to him/her by the Speaker. He/she shall preserve order in the galleries and lobby and keep the entry to the aisle cleared during the session of the House.*

*Chaplain.*

*Rule 21. It shall be the duty of the Chaplain to attend at the commencement of each day's sitting of the House, to open the sessions thereof with prayer, visit any member who may be sick, and to preach in the Hall of the House of Representatives whenever requested by a vote of the House.*

*Postmaster.*

*Rule 22. It shall be the duty of the Postmaster or Postmasters to receive and properly distribute the mail of the members and employees of the House and to perform such other duties as may be required of them. The Postmaster or Postmasters shall be appointed by the Speaker.*

*Employees.*

*Rule 23. The House may employ and the Speaker appoint such employees as are necessary and authorized by the Committee on Accounts, Operations and Finance. No person shall be [employed] initially hired by the House of Representatives who is related to any member of the House within the fourth degree, by consanguinity or by affinity.*

*COMMITTEES*

*By Whom Appointed; Composition of Membership.*

*Rule 24. All standing and statutory committees shall be appointed by the Speaker who, when appointing a committee, shall designate a member thereof as chairman, designate another member as vice-chairman and designate the total number of members to serve on each committee[.], except the minority members of each committee shall be appointed by the Minority Leader, subject to the final approval of the Speaker. The vice-chairman shall preside at all committee meetings in the absence of the chairman. The Speaker of the House, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, Minority Floor Leader and the Assistant Minority Floor Leader shall be ex officio members of all committees of the House for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of said Committee. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the House bears to the total membership of the House.*

*Kinds Of.*

*Rule 25. Committees shall be: A Committee of the Whole House, Standing Committees, and Special Committees.*

*Time of Sitting.*

*Rule 26. No committee shall sit during the session of the House without leave.*

***Standing Committees Enumerated.***

***Rule 27. The standing committees of the House shall be as follows:***

***1. Accounts, Operations, and Finance***

***2. Agri-Business***

***3. Agriculture***

***4. Appropriations-General Administration***

***5. Appropriations-Education and Public Safety***

***6. Appropriations-Natural and Economic Resources***

***7. Appropriations-Health and Mental Health***

***8. Appropriations-Social Services and Corrections***

***9. Banks and Financial Institutions***

***10. Budget***

***11. Children, Youth and Families***

***12. Civil and [Criminal]Administrative Law***

***12.5 Criminal Law***

***13. Commerce***

***14. Consumer Protection***

***15. Correctional and State Institutions***

***16. Education-Elementary and Secondary***

***17. Education-Higher***

***18. Elections***

***19. [Energy and] Environment and Energy***

***20. Federal-State Relations and Veterans Affairs***

***[21. Fees and Salaries]***

***22. Governmental Organization and Review***

***23. Insurance***

***24. Judiciary [and Ethics]***

***25. Labor***

***26. Local Government and Related Matters***

***[27. Mines and Mining]***

***28. Miscellaneous Bills & Resolutions***

***29. Motor Vehicle and Traffic Regulations***

***30. Municipal Corporations***

***31. Professional Registration and Licensing***

***32. Public Health and Safety***

***33. Retirement***

***34. Rules, Joint Rules, and Bills Perfected and Printed***

***35. [Science, Technology and] Critical Issues***

***36. Social Services, Medicaid and the Elderly***

***37. State Parks, [Recreation and] Natural Resources and Mining***

***38. Transportation***

***39. Tourism, Recreation and Cultural Affairs***

***40. Urban Affairs***

***40.5 Utilities Regulation***

***41. Ways and Means***

***42. Workers Compensation and Employment Security***

***[(]The Speaker may appoint such special committees as he/she deems necessary.[)]***

***Duties of the Standing Committees.***

***Rule 28. (1) Accounts, Operations, and Finance.***

***(a) Duties, generally. The Committee on accounts, operations and finance shall superintend and have sole and complete control of all financial obligations and business affairs of the House except those employees appointed by or assigned to the Speaker, or assigned to the Budget Committee, the Speaker Pro Tem, the Majority Floor Leader, the Minority Floor Leader and the Officers of the House. The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.***

***(b) Funds for operation of members' individual offices. The committee shall also prescribe rules governing the expenditure of funds allotted to individual members for the operation of their offices. Such rules shall be applied equally to, and shall require the equal treatment of, all members with regard to the expenditure of such funds. Subject to such rules, each member shall have discretion to expend such funds, for the use of his or her office, without the approval of the committee.***

***(c) Allotment of offices, chamber seats, parking spaces. Each member shall be allotted his or her own office, chamber seat and parking assignment. The committee shall assign all offices, chamber seats, and parking spaces under its control and reserved for members, according to seniority within each respective party caucus, except that no member shall be forced to give up his/her offices, chamber seat or parking space that he/she currently occupies. Notwithstanding any provision of this rule to the contrary, the committee may make assignments to House officers, the floor leaders and assistant floor leaders of each party, the Budget Committee Chairman, and the chairman and ranking minority member of the accounts committee, without respect to the seniority of those members.***

***(d) Duties of Chief Clerk in Respect to Committee. The Chief Clerk of the House may be authorized to act for the committee, but only in the manner and to the extent as may have been previously authorized by the committee. Such authorization shall be entered in the minutes of the committee. [The committee shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the House, and shall further provide for the use and distribution thereof.]***

***The Chief Clerk shall maintain financial records for the House of Representatives in accordance with generally accepted accounting principles. The Chief Clerk of the House shall keep a detailed accounting of all transactions and shall furnish each member of the committee and the Speaker with a copy of such account on a monthly basis.***

***(2) Agri-business. The Committee on Agri-Business may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agri-business in the state.***

***(3) Agriculture. The Committee on Agriculture may consider and report upon bills and matters referred to it relating to the protection, promotion and encouragement of agriculture in this state.***

***(4) Appropriations-General Administration. The Committee on Appropriations-General Administration shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Public Debt, Elected Officials, Office of Administration, the General Assembly, the Department of Revenue, Department of Highways and Transportation and the Department of Labor and Industrial Relations.***

***(5) Appropriations-Education and Public Safety. The Committee on Appropriations-Education and Public Safety shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Elementary and Secondary Education, the Department of Higher Education, the Department of***

*Public Safety and Judiciary.*

*(6) Appropriations-Natural and Economic Resources. The Committee of Appropriations-Natural and Economic Resources shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Agriculture, the Department of Natural Resources, the Department of Economic Development, the Department of Insurance and the Department of Conservation.*

*(7) Appropriations-Health and Mental Health. The Committee on Appropriations-Health and Mental Health shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Department of Health and the Department of Mental Health.*

*(8) Appropriations-Social Services and Corrections. The Committee on Appropriations-Social Services and Corrections shall report to the Budget Committee upon all bills, measures, and questions referred to it by the Budget Committee pertaining to the appropriations and disbursements of public money for the funding of the Departments of Social Services and Corrections.*

*(9) Banks and Financial Institutions. The Committee on Banks and Financial Institutions may consider and report upon bills and matters referred to it relating to banks, banking, savings and loans and other financial institutions.*

*(10) Budget.*

*(a) Duties, generally. The Committee on Budget shall have the responsibility of filing all appropriation bills, assigning of those bills to the appropriate appropriations committees and shall report upon all bills recommended to it by the respective appropriation committee and any other bills, measures, or questions referred to it pertaining to the appropriation and disbursement of public money.*

*(b) Bills which reduce net state revenue or increase net state expenditures by $100,000 or more. The Committee on Budget shall consider all bills which require new appropriations or net expenditures of state money in excess of $100,000 or which reduce net state revenue by more than $100,000 in [either of the two] any of the four fiscal years immediately following the effective dates of the bills. Any such House bill, after having been perfected and ordered printed by the House shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any House bill with Senate amendment(s) or any House bill with a Senate substitute which requires new appropriations or net expenditures of state money in excess of $100,000 or which reduces net state revenue by more than $100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House to be truly agreed and finally passed. Any such Senate bill, after having been approved by the regular standing committee to which it was referred, shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House for third reading and final passage. Any Senate or House bill taken from any standing committee pursuant to the Constitution and House Rule 36 which requires new appropriations or expenditures of state money in excess of $100,000 or which reduces net state revenue by more than $100,000 in any of the four fiscal years immediately following the effective dates of the bill shall be referred to the Committee on Budget for its consideration prior to the bill's submission to the House. Any Senate or House bill amended so as to increase net expenditures or reduce net revenues shall, upon timely motion, be re-referred to the Committee on Budget. The primary sponsor or, in the case of a Senate bill, the floor handler, of a bill referred to the Committee on Budget shall be entitled to a hearing on the bill but such hearing shall be limited to the reception of testimony by the primary sponsor or floor handler, as the case may be, in person and none other. For the purpose of this rule, "net" is defined as the sum of revenues and expenditures, after reductions and increases brought about by a bill have been calculated.*

*(c) Amending effective date onto bills in committee. The Committee on Budget may, with the consent of the House Sponsor or Floor Handler, amend an effective date onto any bill referred to the Committee.*

*(11) Children, Youth, and Families. The Committee on Children, Youth and Families may consider, report upon and conduct ongoing study of bills and matters referred to it concerning the problems of children, youth and families including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment and recreation.*

*(12) Civil and [Criminal Law] Administrative Law. The Committee on Civil and [Criminal] Administrative Law may consider and report upon bills and matters referred to it relating to civil and [criminal] administrative laws and procedure.*

*(12.5) Criminal Law. The Committee on Criminal Law may consider and report upon bills and matters referred to it relating to criminal laws and procedures.*

*(13) Commerce. The Committee on Commerce may consider and report upon bills and matters referred to it relating to commerce, industrial growth, expansion and development.*

*(14) Consumer Protection. The Committee on Consumer Protection may consider and report upon bills and matters referred to it relating to retail sales and practices, credit unions and consumers.*

*(15) Correctional and State Institutions. The Committee on Correctional and State Institutions may consider and report upon bills and matters referred to it relating to adult and juvenile penal and correctional problems, the administration of correctional institutions, the state penitentiary, state hospitals, charitable institutions, and other state properties.*

*(16) Elementary and Secondary Education. The Committee on Elementary and Secondary Education may consider and report upon bills and matters referred to it relating to elementary and secondary education in this state, including teachers, financing, property, indebtedness and curriculum.*

*(17) Higher Education. The Committee on Higher Education may consider and report upon bills and matters referred to it relating to higher education in the state, including teachers, financing, property, indebtedness and curriculum.*

*(18) Elections. The Committee on Elections may consider and report upon bills and matters referred to it relating to elections and election contests involving members of the House.*

*(19) [Energy and] Environment and Energy. The Committee on [Energy and] Environment and Energy may consider and report upon bills and matters referred to it relating to the development, use and conservation of energy and other energy related concerns; environmental impact and pollution, including natural resources such as air, water, solid waste; recovery of natural resources of all types and by all means, including environmental impact and public health and safety as it relates to these issues.*

*(20) Federal-State Relations and Veterans Affairs. The Committee on Federal-State Relations and Veterans Affairs may consider and report upon bills and matters referred to it relating to the relationship between the Federal Government and the State of Missouri, veterans affairs, the promotion and strengthening of states rights and military and naval affairs of the state.*

*[(21) Fees and Salaries. The Committee on Fees and Salaries may consider and report upon bills and matters referred to it relating to the fees and salaries of state and local officials and employees.]*

*(22) Governmental Organization and Review. The Committee on Governmental Organization and Review may consider and report upon bills and matters referred to it relating to the reorganization, consolidation and abolition of boards, bureaus, commissions and other offices and departments of the state and local governments; the public buildings of the state, including the Division of Design and Construction, the Division of Facilities Management, the capitol grounds and the state and legislative library. The Committee is empowered to study and investigate the efficiency and economy of all branches of Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, waste, conflicts of interests and the improper expenditure of Government funds in transactions, contracts and activities of Government or Government officials and employees. The Committee is authorized to hold hearings, sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement. If the committee, after hearing, and upon findings incorporated in a report, deems that a particular activity, bureau, agency, committee, commission, department or any other entity of state government should be discontinued, it shall report such finding to the House for further action by the House. The committee shall also consider and report on such bills and matters related to the efficiency of government in the state that may be referred to it.*

*(23) Insurance. The Committee on Insurance may consider and report upon bills and matters referred to it relating to insurance and the improvement of insurance laws and the efficiency of the Department of Insurance.*

*(24) Judiciary[ and Ethics.] The Committee on Judiciary[ and Ethics ]may consider and report upon all bills and matters referred to it relating to the judicial branch of the state, the practices and procedures of the courts of this state, and the ethics of public officials.[ The Committee may also consider and report upon complaints referred to it relating to a member of the House of Representatives involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The Committee is authorized to investigate such complaints and, after notice and a hearing conducted pursuant to Rules of Procedure established under Rule 38 of these rules, to report to the House its findings, conclusions and recommendation. The Committee is further authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.]*

*(25) Labor. The Committee on Labor may consider and report upon bills and matters referred to it relating to the conditions and interest of labor.*

*(26) Local Government and Related Matters. The Committee on Local Government and Related Matters may consider and report upon bills and matters referred to it relating to county courts and local government generally.*

*[(27) Mines and Mining. The Committee on Mines and Mining may consider and report upon bills and matters referred to it relating to mines, mining, safety measures in the mining industry and the development of mineral resources in the state.]*

*(28) Miscellaneous Bills and Resolutions.*

*(a) Duties, generally. The Committee on Miscellaneous Bills and Resolutions may consider and report upon resolutions referred to it and upon any bill which, in the opinion of the Speaker, merits special consideration. Any resolution introduced between adjournment and December 31st in even and odd numbered years shall be examined by the Chairman of the Committee and he shall have authority to approve, as if passed by a vote of the House, those resolutions which are courtesy resolutions. Any resolution that is not a courtesy resolution will require action by the Committee on Miscellaneous Bills and Resolutions and the House as provided for by the House Rules.*

*(b) Courtesy resolutions. A courtesy resolution is a resolution in the nature of congratulations on the birth of a child, celebration of a wedding anniversary, sympathy on the death of an individual, congratulations on an outstanding citizen achievement or a similar event which is in the practice and procedure of the House to consider in the nature of a courtesy resolution.*

*(29) Motor Vehicle and Traffic Regulations. The Committee on Motor Vehicle and Traffic Regulations may consider and report upon bills and matters referred to it relating to motor vehicles and traffic regulations.*

*(30) Municipal Corporations. The Committee on Municipal Corporations may consider and report upon bills and matters referred to it relating to the organization, government and improvement of cities, towns, villages and other questions concerning municipal bodies.*

*(31) Professional Registration and Licensing. The Committee on Professional Registration and Licensing may consider and report upon bills and matters referred to it relating to boards, bureaus, and commissions that examine the qualifications of persons engaged in certain professions and occupations and the duties of such agencies and the persons registered by them.*

*(32) Public Health and Safety. The Committee on Public Health and Safety may consider and report upon bills and matters referred to it relating to the health and safety of the people of the State of Missouri.*

*(33) Retirement. The Committee on Retirement may consider and report upon bills and matters referred to it relating to the retirement and pensions of state and local officials and employees.*

*(34) Rules, Joint Rules, and Bills Perfected and Printed.*

*(a) Duties, generally. The Committee on Rules, Joint Rules, and Bills Perfected and Printed shall formulate and present for consideration the rules of the House; shall consider and report upon all propositions to amend or change the rules, which propositions shall stand referred without reading or consideration and without discussion, explanation, or debate to the Committee on Rules, Joint Rules, and Bills Perfected and Printed, and upon any bill which merits special consideration.*

*(b) Duties related to printing and proofing bills. The Committee shall direct the printing of all bills ordered perfected and printed, and see that all amendments to every such bill are incorporated therein before the bill is printed and certify to the House that the printed copies of the bill on the desks of the members are true and correct copies of the bill as ordered perfected and printed; shall carefully examine the typed copy of all bills which are truly agreed to and finally passed and compare each bill agreed to and finally passed with the perfected bill, correct the clerical errors, if any, and return the bill with a committee report to the House certifying that the bill is truly and correctly typed as agreed to and finally passed.*

*(c) Petition to remove from perfection calendar. Upon petition of 2/3 of the standing committee chairmen recommending a House Bill or Joint Resolution be removed from the regular perfection calendar and placed on the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, the Committee on Rules and Joint Rules shall have authority to consider and remove any House Bill or Joint Resolution from the regular perfection calendar and place it upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed. And any bill so placed upon said calendar shall, after being perfected and printed be placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be agreed to and placed upon third reading and final passage.*

*(d) Petition to remove from third-reading calendar. Upon petition of 2/3 of the standing committee chairmen, the Committee on Rules, Joint Rules and Bills Perfected and Printed shall have the authority to consider and remove, any Senate bill or Joint Resolution from the regular 3rd reading calendar and place it upon the Rules Committee Calendar, Senate Bills or Joint Resolutions to be agreed to and placed upon 3rd reading and final passage. The Committee has the privilege of reporting at any time and the consideration of its report shall have precedence over all other business. Any bill placed upon the Rules Committee Calendar, House Bills or Joint Resolutions to be perfected and printed, by the Committee on Rules and Joint Rules, may be recommitted to the Committee on Rules and Joint Rules by a Constitutional majority of the elected members, and if this occurs the bill shall be returned to its place on the Perfection Calendar from which it had been removed.*

*[The Committee shall direct the printing of all bills ordered perfected and printed, and see that all amendments to every such bill are incorporated therein before the bill is printed and certify to the House that the printed copies of the bill on the desks of the members are true and correct copies of the bill as ordered perfected and printed; shall carefully examine the typed copy of all bills which are truly agreed to and finally passed and compare each bill agreed to and finally passed with the perfected bill, correct the clerical errors, if any, and*

*return the bill with a committee report to the House certifying that the bill is truly and correctly typed as agreed to and finally passed.]*

*(35) [Science, Technology, and] Critical Issues. The Committee on [Science, Technology and] Critical Issues may consider and report upon bills and matters referred to it relating to [research and development, applied research, commercialization of research, high technology, and] issues of a critical nature to State Government. The Committee will identify those issues and the options available that are most important to citizens and lawmakers and formulate legislation in a systematic and comprehensive manner and provide future planning and direction for a regular structured plan.*

*(36) Social Services, Medicaid, and the Elderly. The Committee on Social Services, Medicaid and the Elderly may consider and report upon bills and matters referred to it relating to social services, Medicaid, children's aid and the elderly.*

*(37) State Parks, [Recreation, and ]Natural Resources, and Mining. The Committee on State Parks,[ Recreation and] Natural Resources, and Mining may consider and report upon bills and matters referred to it relating to state parks, [outdoor recreation,] fish and game, forestry, mines, water and other natural resources.*

*(38) Transportation. The Committee on Transportation may consider and report upon bills and matters referred to it relating to roads, highways, bridges, ferries, airports, railroads and other means of transportation.*

*(39) Tourism, Recreation and Cultural Affairs. The Committee on Tourism, Recreation and Cultural Affairs may consider and report upon all matters referred to it pertaining to the development and promotion of travel, tourism, recreation, the arts and cultural affairs.*

*(40) Urban Affairs. The Committee on Urban Affairs may consider and report upon bills and matters referred to it relating to city planning and other urban issues.*

*(40.5) Utilities Regulation. The Committee on Utilities Regulation may consider and report upon bills and matters referred to it relating to incorporation and regulations of utilities , including gas, electric, water, heating, sewer, cable television, and telephone and telegraph companies, as well as rural electric cooperatives.*

*(41) Ways and Means. The Committee on Ways and Means may consider and report upon bills and matters referred to it relating to the revenue and public debt of the state, and the interest thereon, and the administration of taxation and revenue laws. The Committee may also inquire into and suggest to the House such changes, if any, that should be made in respect to existing sources of revenues and such new sources of revenue, if any, that in the judgment of the Committee should be considered by the House.*

*(42) Workers Compensation and Employment Security. The Committee on Workers Compensation and Employment Security may consider and report upon bills and matters referred to it relating to the Workmen's Compensation Act, unemployment compensation and employment security.*

*The Speaker may appoint such special committees as he/she deems necessary.*

*Duties of Committee Chairman; Organization of Committee.*

*Rule 29. (a) Duty to preside; not required to vote. It is the duty of the chairman to preside at all sessions of the committee. He/she is not required to vote on any measures except in the case of a tie, but he/she may do so if he/she so desires.*

*(b) When Chair is Absent. In the absence of a chairman, the vice-chairman of the committee shall preside, and in his/her absence, a member appointed by the chairman.*

*(c) Minute book. The chairman shall see that a minute book is kept for his/her committee. The minute book shall contain the attendance and voting records of the committee members, a brief statement of the business that comes before the committee, the names of persons and witnesses appearing before the committee and what side of a proposition they appeared on behalf of at the committee hearing. The chief clerk shall be the repository of the minute book after each general assembly.*

*(d) Bills, reports, and other documents. The chairman shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the House without delay.*

*(e) Duty to preserve order. The chairman, while the committee is in session, shall preserve order and decorum in and adjacent to the committee room and shall conduct all hearings in accord with the Rules of the House including the provisions that relate to decorum, debate and dress code. The chairman may punish breaches of order and decorum by censure and exclusion from the hearings.*

*(f) When a Bill Fails. Whenever a motion that a bill "Do Pass" shall fail, or if there be an even division on the question, the chairman shall report said bill back to the House "Do Not Pass" unless the bill is otherwise disposed of by another motion.*

***Committee Hearings***

***Rule 30. All bills referred to committees shall be considered by giving the author, the proponents and the opponents a reasonable opportunity to be heard. Persons addressing the committee must keep their remarks to the point and avoid repetition and are subject to call to order by the chairman for failure to do so. In the discretion of the committee, the length of time allowed any one speaker may be limited.***

***Quorum.***

***Rule 31. A majority of all committees of 30 or less, and 15 members of all committees consisting of more than 30 members, shall constitute a quorum for the transaction of business.***

***Meetings--How Announced.***

***Rule 32. (a) One Day's Notice and Journal Entry Required. Announcement of all meetings of committees, other than meetings of the appropriations committees, shall include a statement of all matters to be considered at the meeting, shall be read from the clerk's desk at least one day prior to the meeting and shall be entered in the journal prior to the beginning of the meetings.***

***(b) Posting of Agenda. The chairman of each committee shall give written notice of the time, date, place and tentative agenda of all meetings, including executive sessions, of his/her committee and each committee having matters pending before it shall hold a meeting at such time, date and place unless excused by the Speaker of the House. Notice shall be given at least twenty-four hours prior to the meeting and shall include posting the notice on the bulletin board located outside the Speaker's office.***

***(c) When Notice Requirements May Be Waived. For good cause meetings may be conducted on less than twenty-four hours' notice or at a place or time that is not convenient to the public. When for good cause it is necessary to hold a meeting on less than twenty-four hours' notice or at a place or time that is not convenient to the public, the nature of the good cause shall be stated in the committee's minutes.***

***Other Duties.***

***Rule 33. Each committee, in addition to the duty above prescribed, shall perform such other duties as may be required by the House.***

***Attendance.***

***Rule 34. The secretary of each committee shall keep a record of the attendance at each committee meeting in the minute book of the committee, which shall be available to the Speaker on request. Any member of a committee absent, without good cause, from three consecutive meetings of the committee, as shown by the records of the committee, may be dropped therefrom by a statement to that effect entered into the House Journal by the Speaker. The roll shall be called by the chairman or secretary of a committee at each meeting.***

***Minority Views.***

***Rule 35. The minority of a committee may not make a report or present a proposition of legislation, but has the right to file views to accompany the report.***

***Committee Relieved of Bill--When.***

***Rule 36. No bill shall be taken away from any standing committee of the House, as provided by the Constitution, until after ten legislative days have expired after referral to the committee by the Speaker. If any bill is taken away from any committee by vote of one-third of the elected members of the House, as provided by the Constitution, then the bill shall be placed on a separate calendar, at the foot of the existing House Calendar, and shall not be taken up and considered by the House until all bills on the entire House calendar ahead of such bill have been disposed of by the House.***

***Election Contest.***

*Rule 37. Whenever there shall be filed with the Speaker a notice of contest of the election of a member of the House, he/she shall refer the same, without discussion, either to the standing Committee on Elections or a special committee appointed to hear the matter. Said committee shall examine the timeliness and sufficiency of the notice, the depositions and other documents submitted and report to the House its recommendations, whereupon the House shall act by resolution to sustain or reject the committee recommendations.*

*Ethics Committee; Complaints of Ethical Misconduct.*

*Rule 38. [A.] (a) Committee Established. The Speaker shall appoint a Committee on Ethics and name the committee's chair and vice-chair. The committee shall have an equal number of members of the majority and minority party. The minority members of the committee shall be appointed by the minority leader.*

*(b) Committee Authority. The Committee may consider and report upon complaints referred to it relating to a member of the House of Representatives involving the commission of a crime, misconduct, willful neglect of duty, corruption in office or other complaints relating to the ethical conduct of a member. The Committee is authorized to investigate such complaints and, after notice and a hearing conducted pursuant to Rules of Procedure established under this rule, to report to the House its findings, conclusions and recommendation. The Committee is further authorized to sit and act at any time or place within the State of Missouri during the recess and adjournment periods of the House, administer oaths, and take testimony, either orally or by sworn written statement.*

*(c) Rules of Procedure. Within 20 calendar days of the commencement of the first regular session of each general assembly, the Committee on Ethics shall adopt Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House. The proposed Rules of Procedure shall be filed by the Committee in the form of a House Resolution with the Clerk of the House, reported in the Journal, and placed on the House Resolutions Calendar.*

*[B.] (d) Receipt of Complaint; Investigation. Upon receipt of a complaint, in writing and under oath, of ethical misconduct by a member of the House made by another member, the Speaker shall refer within 10 days the same, without discussion, to the Committee on [Judiciary and] Ethics. The complaint shall be confidential. The Committee shall examine the sufficiency of the complaint, and proceed to conduct an investigation as provided in the Committee's Rules of Procedure, if a majority of the Committee appointed so votes upon a roll call.*

*[C.] (e) Report and Recommendations. At the conclusion of the investigation, the Committee shall report its findings, conclusions, and recommendation to the House, whereupon the House shall act by resolution to sustain or reject the Committee recommendation. The Committee may recommend that the House expel the member as provided in Article III, Section 18 of the Missouri Constitution, or that the House punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution or by censure by the Speaker in open session.*

*(f) All rules that pertain to standing committees of the House shall apply to the committee on ethics to the extent consistent with this rule and any rules of procedure adopted pursuant to paragraph (c) of this rule.*

*BILLS*

*Introduced; Manner of Setting Forth New and Old Material.*

*Rule 39. [A.] (a) When. Bills may be introduced only on the report of a committee or by any member of the House, in the regular order of business.*

*[B. Any bill which proposes the amendment or reenactment of an existing statutory provision with changes in the language thereof, in setting forth the provision as amended or changed, shall upon introduction and after perfection have the matter which is to be omitted included in its proper place enclosed in brackets and all new matter to be inserted shall be underscored when typewritten for introduction. When printed, the amendatory or reenacting bill shall show the matter to be omitted enclosed in bold-faced brackets and the new matter shall be shown in bold-faced Roman Type. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:*

*"Explanation--Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law." Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. All bold-faced matter shall be printed in light-faced type and all matter enclosed in bold-faced brackets shall be omitted when typewritten and printed after the bill has been truly agreed to and finally passed. Any bill or substitute therefor which does not comply with this rule shall not be placed upon the calendar of the House in which introduced.]*

*(b) Manner of Printing. Any bill shall have the matter which is being repealed from current law enclosed in bold-faced brackets and the matter which is being added to the law underscored when typewritten and in bold-faced type when printed. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:*

*"Explanation--Matter enclosed in bold-faced brackets [ thus ] in the above bill is not enacted and is intended to be omitted from the law."*

*Where a section is completely rewritten, the existing section shall be set forth in small type in bold-faced brackets in a note following the new section but the changes need not be distinguished. Any bill or substitute which does not comply with this rule shall not be placed upon the calendar.*

*[C.] (c) Number of Copies Submitted. Each bill shall be submitted in triplicate.*

*[Brackets "[ ... ]" indicate repeal of current law.*

*Bold-faced type indicates additions to the law or to a bill that contains current law.]*

*Number of Copies Printed.*

*Rule 40. One thousand copies of all House Bills and House Joint Resolutions shall be printed. The Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate.*

*Reading by Title Sufficient.*

*Rule 41. The reading of a bill by its title shall be deemed sufficient reading unless the further reading be called for. If the further reading be called for and no objection made, the bill shall be read at length; if, however, objection be made, the question shall be determined by the majority of the House.*

*To Go Upon Calendar--When.*

*Rule 42. No House Bill shall be placed upon the calendar for second reading until the legislative day following the introduction and first reading of said bill.*

*Timing of Placement on Calendar; Federal Mandate Calendar.*

*Rule 43. (a) When a bill is reported from the committee with the recommendation that it "do pass" or "without recommendation", it shall go upon the calendar of the House. No bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the calendar for at least one legislative day.*

*(b) No bill shall be placed on the Federal Mandate Calendars unless it is federally mandated, immediate in nature and reduces revenues or savings if not enacted. A federal mandate bill may only contain subject matter concerning the federal mandate. A member wishing for his or her bill to be [placed on the Federal Mandate Calendar shall request in writing that the Speaker place the bill on the Federal Mandate Calendar] considered for placement on the Federal Mandate Calendar shall request such in writing to the Chair of the Committee where such bill has been assigned.. The written request should state the deadline with which the state must comply with the federal mandate and what will happen if the state doesn't comply by this date. [A copy of the federal legislation mandating what the state must do shall accompany the written request.] A copy of the federal statute(s) or regulation(s) mandating what the state must do shall accompany the written request. If said bill is reported do pass from the committee recommending that said bill be placed on the Federal Mandate Calendar, the Chair shall submit to the Speaker a copy of the original written request along with a copy of the federal statute(s) or regulation(s) mandating state action. If the Speaker concurs that said bill complies with all requirements of this rule, he shall place said bill on the Federal Mandate Calendar.*

*Motion to Place on Calendar.*

*Rule 44. If a bill is reported from the committee with the recommendation that it "do not pass" it shall not go on the calendar of the House unless ordered by a constitutional majority. A motion to have a bill placed upon the calendar must be made within three legislative days after the bill is reported and when the author of the bill is present or the motion is made by a member upon the author's written request. If no such action is taken within said time, the bill shall lie on the table.*

*Bills Laid Over Informally.*

*Rule 45. When a bill is reached, in its order, to be perfected and printed, or to be agreed to and read a third time and placed upon its final passage, it may upon the request of the author thereof, if a House Bill, or, (upon the request of its sponsor in the House, if a Senate Bill), be laid over informally, and thereafter called up at any time, in any order, when otherwise in order.*

*To Appear in [Numerical] Order.*

*Rule 46. All bills laid over informally and not taken up and disposed of the same day, shall appear in order upon the calendar for the next legislative day following.*

*Ten Day Rule.*

*Rule 47. If a bill laid over informally is not taken up for further consideration within ten legislative days after being laid over, it shall lie on the table and be dropped from the calendar of the House without further action by the House.*

*Consent Calendar.*

*Rule 48. (a) Which Bills May Be Placed. Each committee, after a favorable vote on a bill without amendment, may further determine by a second and affirmative vote [and unanimous consent of those committee members] of every member present whether or not such bill is of a noncontroversial nature. Any bill which increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent; provided however, any bill which specifically authorizes an easement or right-of-way involving state property may be considered by the committee for placement on the Consent Calendar.*

*(b) Procedure. If the committee shall so determine, the committee report shall include a request that a bill be placed on the "House Consent Calendar for Perfection". Any bill so reported shall automatically be placed on that calendar and after said bill has remained on the "House Consent Calendar for Perfection" for five legislative days, it shall be ordered perfected and advanced to the "House Consent Calendar for Third Reading and Final Passage" without further action of the House, unless five members, with at least two from each political party, have filed written objection with the Chief Clerk. If such objections are filed, the bill shall be sent to the Committee on Rules and Joint Rules. If the Committee on Rules and Joint Rules concur in the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be deemed perfected and placed on the "House Consent Calendar for Third Reading and Final Passage" without further action by the House. If the committee does not concur with the report to place the bill on the "House Consent Calendar for Perfection", then the bill shall be returned to the committee from which it was originally reported. An objection made by five members under this rule cannot be rescinded.*

*[ When the Senate passes a bill by its procedure for consent bills, such bill shall be considered for treatment as a consent bill by the House committee without further request but such bills may be amended in the House committee.*

*Senate bills passed out of the House committee with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage -- Consent Calendar are not subject to the five member objection provision of this rule.*

*No Senate consent bill may be taken up after 6:00 p.m. on the first Thursday following the third Monday in April.*

*Consent bills may be amended in committee but not on the floor of the house which is not the house of origin.]*

*AMENDMENTS*

*Of Committees and Substitutes.*

*Rule 49. (a) In Writing; What Amendments, Substitutes, Etc. Are in Order. Proposed amendments must be reduced to writing on demand. When a bill, motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original amendment is perfected, but either may be withdrawn before amendment or decision is had*

***thereon.***

***(b) Committee Substitute Treated as Original. A House committee substitute shall be considered as an original bill for purposes of amendment.***

***(c) House Substitute. A House substitute shall be considered as an amendment. A House substitute must be distributed to the members at least one legislative day prior to its consideration by the House; except after the Second Monday in May, no House Substitute shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House. A House amendment which, in the opinion of the chair, is of such scope and length, that it is in reality a house substitute, must be distributed in the same manner as a house substitute.***

***(d) One House Substitute at a Time. Only one House substitute shall be in order at one time.***

***(e) When Federal Mandate Bills Can Be Amended. Amendments to House and Senate Bills - Federal Mandate are not permitted except perfecting amendments are permitted to make technical corrections.***

***Committee Substitute Printed.***

***Rule 50. When a committee recommends a substitute for a bill the original bill will accompany the substitute. The substitute shall be handled on the floor of the House by the chairman or any member designated by the chairman. The Chief Clerk shall have one thousand copies of the substitute printed for the use of the House, except that the Chief Clerk may provide for the printing of a lesser or greater number if he/she deems it appropriate. No committee substitute shall be called from the calendar of the House until the printed copies have reached the members. Amendments, if any, may be offered to the substitute before the vote on the motion to adopt the substitute is taken. If the substitute is defeated the original bill shall be before the House for perfection and shall immediately be considered.***

***[ORDER OF AMENDMENTS]***

***Order of Amendments***

***Rule 51. When amendments to any bill, motion or proposition are pending they shall be voted on in the following order:***

***(1) Amendments to the amendment are disposed of before the substitute is taken up. Only one amendment to the amendment is in order at one time; but as rapidly as one is disposed of by rejection or incorporation as a part of the amendment, another is in order as long as any member desires to offer one.***

***(2) Amendments to the substitute are next voted on, and may be offered seriatim as fast as disposed of until the substitute is perfected.***

***(3) The substitute is next voted on. Both the amendment and the substitute having been perfected and presented in final form, the House or committee makes its choice of the two.***

***(4) The amendment is voted on last. If the substitute has been agreed to, the vote comes on the amendment as amended by the substitute.***

***TEXT***




***Amendments Incorporated in Bill.***

***Rule 52. All amendments adopted by the House to a bill originating in the House shall be incorporated in the bill as perfected, and the bill, as thus perfected, shall be printed for the use of the members before its final passage. The perfecting and printing shall be done under the supervision of the Committee on Bills Perfected***

*and Passed, whose report to the House shall be set forth, in writing, that the bill is truly perfected, and the printed copies furnished to the members are correct.*

### *BILLS [AND JOINT RESOLUTIONS]*

### *Ayes and Noes Taken.*

*Rule 53. When a bill shall have passed the House and been returned from the Senate with amendments, said amendments may be concurred in collectively, or amended, by a majority of the members elected, unless objection be made, in which case the vote shall be taken severally, and no amendment or amendments shall be concurred in by the House except by a constitutional majority and the names of those voting for and against recorded upon the Journal of the House.*

### *Repassage.*

*Rule 54. When all Senate amendments to House [B]bills have been concurred in by the constitutional majority of the House, the question shall then be put: "Shall the bill as amended be passed?" On this question the ayes and noes shall be called for, and as on its first passage, a constitutional majority shall be necessary to the final passage of the bill.*

### *Majority to Perfect.*

*Rule 55. A quorum being present, a majority of those voting aye and no shall be sufficient to perfect a bill and order it printed.*

### *Amending After Perfection; Perfecting Amendments.*

*Rule 56. No bill shall be amended after being perfected and printed without a reconsideration of the vote by which it was ordered perfected and printed and if said bill be amended it shall again be perfected and printed, except that a perfecting amendment to make technical corrections is in order after the bill has been ordered perfected and printed and before it has been read the third time.*

### *[FINAL PASSAGE]*

### *Motion for Final Passage.*

*Rule 57. When the Committee on Bills Perfected and Passed reports a bill truly perfected and printed, it shall go upon the calendar to be agreed to and passed. When the bill is taken up in its order, the question shall then be: "Shall the bill be agreed to, read a third time and put upon its final passage?" If a constitutional majority sustains the question the bill shall be put immediately upon its passage.*

### *Bills Not to be Passed on Previous to Roll Call.*

*Rule 57.5. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.*

### *Course After Passage.*

*Rule 58. When a bill[, or joint or concurrent resolution] passes the House, it shall be certified by the Clerk, noting the day of its passage at the foot thereof[, unless a motion has been made to reconsider the vote by which the bill or resolution passed, and the motion laid on the table].*

### *Perfecting Amendment on Bills Returned from the Senate.*

*Rule 59. No bill [or joint or concurrent resolution] may be further amended without placing the bill in conference, except that a perfecting amendment to make technical corrections is in order in the house of*

*origin when the bill is taken up for final passage as amended by the other house. The perfecting amendment may be directed to the bill or to amendments to the bill. If a perfecting amendment is adopted, the bill as finally passed with the perfecting amendment shall be returned to the other house for its concurrence in the perfecting amendment.*

### *Conference Report.*

*Rule 60 (a) Review for Correctness. Before a conference report is taken up by the House, it shall be reviewed for the technical correctness of the report and of any amendments, bill or substitute the report recommends for passage by the House.*

*(b) Notice Requirements. No conference committee report shall be taken up and considered unless the same has been distributed to the members at least one legislative day prior to its consideration; except after the first Wednesday following the second Monday in May, no conference committee report shall be taken up and considered unless same has been distributed to the members at least two hours before consideration in the House.*

## *RESOLUTIONS*

### *Joint and Concurrent Resolutions.*

*Rule 61. All joint and concurrent resolutions designed to submit to the qualified voters of the state amendments to the Constitution, to be voted upon by such voters, shall be read on three separate days, and shall be reported upon by the committee of the House, and shall otherwise be proceeded upon in like manner as a bill.*

### *Joint and Concurrent of Congress.*

*Rule 62. (a) Procedure, Generally. All joint and concurrent resolutions of the Congress of the United States designed to submit to the legislature an amendment to the Constitution of the United States shall be read on three separate days, shall be reported upon by a committee, shall be adopted only by a constitutional majority and shall otherwise be proceeded upon in like manner as a bill.*

*(b) Not to be Amended. The text of the amendment as proposed by the Congress of the United States shall not be amended.*

### *[REFERENCE OF RESOLUTIONS, ETC.]*

### *[Stand Referred] Petitions, Memorials, Remonstrances, and Resolutions.*

*Rule 63. All petitions, memorials, remonstrances, resolutions and other papers offered shall stand referred, without reading, consideration, discussion, explanation or debate, to the Committee on Miscellaneous Bills and Resolutions unless referred to some other appropriate committee by the Speaker. Those papers that are favorably recommended by the committee for adoption by the House shall be printed in the Journal and placed upon a resolutions calendar. Courtesy resolutions shall be printed in the Journal by number except those determined by the Committee to be of a controversial nature which shall be printed in full.*

## *SENATE BILLS*

### *[Reference] Referral.*

*Rule 64. Each Senate Bill shall, upon second reading, be referred to the appropriate committee of the House.*

### *Go Upon the Calendar.*

*Rule 65. (a) Reported out of Committee. When a Senate Bill is reported from the committee to which referred with the recommendation that it "do pass", or "without recommendation", it shall go upon the House Calendar for the third reading and final passage, provided that no Senate Bill shall be taken up for consideration by the House, prior to the first Monday in May, unless it has been upon the Calendar for at least one legislative day.*

*(b) Senate Consent Bills. A Senate Bill passed by the Senate pursuant to its procedure for consent bills shall be considered for treatment as a consent bill by the House committee to which it was referred without further request but such bills may be amended in the House committee. However, any bill that is of a controversial nature or increases expenditures of the state or reduces revenue of the state shall not be considered by the committee for consent. The committee, after a favorable vote on the bill, may by a second and affirmative vote [and by unanimous consent of those committee members] of every member present, request said bill be placed on the "Senate Bills for Third Reading and Final Passage -- Consent Calendar."*

*(c) Senate Consent Bills - Objections. Senate bills passed out of the House committee with the request that the bill be placed on the Senate Bills for Third Reading and Final Passage -- Consent Calendar are subject to the five member objection provision of Rule 48.*

*(d) Senate Consent Bills--When Taken Up. No Senate consent bill may be taken up after 6:00 p.m. on the first Thursday following the third Monday in April.*

*(e) When Amendment Permitted. Senate [C] consent bills may be amended in committee but not on the floor of the [h] House [which is not the house of origin] unless the Senate Rules allow amendment of House consent bills on the floor of the Senate in which case Senate consent bills may be amended on the House floor.*

*When Reported "Do Not Pass."*

*Rule 66. If a Senate Bill be reported from the committee to which referred with the recommendation that it "do not pass" it shall not go upon the calendar of the House for third reading and final passage, unless so ordered by a constitutional majority of the House. In such case, the motion to place the bill on the calendar shall be made within three legislative days of the report, and by a member who has been requested by the Senate sponsor of the bill.*

*Amendments.*

*Rule 67. Senate Bills may be amended by the House when placed upon third reading and final passage, before the vote is taken thereon.*

*[MATTERS OF GENERAL PROCEDURES*

*Bills Not to be Passed on Previous to Roll Call.*

*Rule 68. No bill shall be passed by any roll call previously taken on another bill, nor shall more than one bill be passed on any one roll call.]*

*Rule 68. Reserved.*

*MOTIONS*

*Must Be Read or Stated Before Debate.*

*Rule 69. When a motion is made it shall be stated by the Chair or read aloud by the Clerk before being debated.*

*When in Possession of House.*

*Rule 70. When a motion is stated by the Speaker or read by the clerk it shall be deemed to be in possession of the House. The motion may be withdrawn by the author at any time when another motion is not pending before decision or amendment.*

*To Be Reduced to Writing.*

*Rule 71. Every motion shall be reduced to writing if the Speaker or any member demands it.*

***Must Be Germane.***

***Rule 72. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.***

***Privileged.***

***Rule 73. When a question is under debate, no motion shall be entertained but to adjourn; to take recess; to lay on the table; for the previous question; to postpone to a certain day; to commit or amend, or postpone indefinitely; which several motions shall have precedence in the order herein set forth.***

***Dilatory.***

***Rule 74. When any of the motions enumerated in the preceding rule have been made and lost, no similar motion shall be entertained until some other business is transacted by the House.***

***To Adjourn in Order--When.***

***Rule 75. Except as above limited, and except when a member is speaking or the roll is being called, a motion to adjourn is always in order, and pending the result of such a motion, no member shall leave his seat in the House.***

***Previous Question.***

***Rule 76. The previous question shall be in this form: "Shall the question under immediate consideration be now put?" It may be moved like any other question but it shall only prevail when supported by a constitutional majority and until decided shall preclude amendments and debate. If the motion is sustained, the proponent of the matter under consideration shall be allowed one minute in which to make a closing statement before the House votes on the question. The proponent shall not be allowed to make a closing statement after the first Monday in May. A failure to sustain the motion shall not take the matter under consideration from further consideration of the House; but the House shall proceed as if the motion had not been made.***

***Not Debatable.***

***Rule 77. Motions to adjourn, to lay on the table, for the previous question, calls for the order of business of the day, and all questions relating to priority of business shall be decided without debate.***

***Division of Questions.***

***Rule 78. Any member may have, as a personal right, a division of the question where the sense will admit of it. When the question having been divided is a Senate Bill for Third Reading, each part of the bill shall be voted upon separately and a subsequent separate vote shall be taken on the entire bill.***

***Indefinite Postponement.***

***Rule 79. When a question is postponed indefinitely, the same shall not be acted upon again during the session.***

***Question Laid on Table--How Taken Up.***

***Rule 80. When a question has been laid on the table, the same cannot be taken up again without a vote of two-thirds of the members present.***

***MOTION TO RECONSIDER***

***Motion to Reconsider Must be Made In Three Days.***

***Rule 81. When a motion that a bill be perfected and printed, or that a bill be agreed to, read a third time, and placed upon its final passage fails, or when any other question is decided by the House, any member voting on the prevailing side may move to reconsider the vote provided that the motion to reconsider is made within three legislative days after the day on which the vote was taken.***

***Procedure for Motion to Reconsider.***

***Rule 82. A constitutional majority is required to sustain any motion to reconsider. If the motion to reconsider is sustained the House shall proceed to the original question or motion immediately before proceeding to other business. Any motion to reconsider having failed once shall not be considered again, except to reconsider the vote by which an appropriation bill failed to pass. In the case of an appropriation bill, the motion to reconsider may be considered as many times as the House chooses.***

***DECORUM AND DEBATE***

***On Speaking.***

***Rule 83. When any member is about to speak in a debate or deliver a matter to the House, he/she shall rise from his/her seat and respectfully address himself/herself to "Mr. Speaker" or "Madam Speaker." The member shall confine himself/herself to the questions under debate and avoid personality. If any member violates the rules of the House the Speaker, or any member, may call him/her to order. Any member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case without debate.***

***Appeals.***

***Rule 84. If there is no appeal, the decision of the Chair is final. If the decision is in favor of the member called to order he/she may proceed; if otherwise, and the case requires it, he/she shall be liable to the censure of the House.***

***Member to Rise; When Two or More Rise.***

***Rule 85. The Speaker shall not recognize any member desiring to speak unless such member arises at his/her desk. When two or more members rise at the same time the Speaker shall name the member who is to speak first, the other members having the preference next to speak.***

***Member May Speak--How Often.***

***Rule 86. No member shall speak more than twice on the same question without leave of the House, nor more than once until any other member desiring to speak has spoken. Except when reporting a bill or resolution from a committee, no member may speak, interrogate or inquire for more than fifteen minutes unless by unanimous consent of the House.***

***No Member Shall Name Another Member in Debate.***

***Rule 87. No member shall name another member in debate, but shall refer to the member by district number or by county.***

***Members Not To Use Profanity***

***Rule 87.5. No member may use profanity either while speaking on the floor or while in committee.***

***Members Not to Walk Across the House--When.***

***Rule 88. While the Speaker is putting any question or addressing the House, no one shall walk out of or cross the House. When a member is speaking or the Journal is being read, no member shall engage in any private conversation; nor while a member is speaking shall anyone pass between him/her and the Chair. No member shall walk between two members who are engaged in debate or inquiries in the hall of the House.***

***Order of Questions.***

***Rule 89. All questions shall be propounded in the order in which they are moved except privileged questions, which shall be propounded as stated in Rule 73.***

***Voting.***

***Rule 90. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he/she has a direct personal or pecuniary interest in such question. No member shall be recorded as voting when he/she was not present in the chamber when the vote was taken. Nothing herein contained shall prohibit a member from voting "Present" on a question, and such vote shall be recorded in the Journal. In the case of equal division the question shall be lost.***

***Members Not to Interrupt Calling of Ayes and Noes; Changing Vote.***

***Rule 91. No member shall be permitted to interrupt a roll call and no member shall be allowed to vote or to change his/her vote (except to have his/her vote correctly recorded) after a verification is begun, or after the final vote is announced.***

***Verification of the Roll.***

***Rule 92. Any five members may demand a verification of the roll if such demand is made before the vote is announced.***

***Bell to Signal Beginning and End of Vote.***

***Rule 93. At a reasonable time prior to the beginning of taking the ayes and noes by electric roll call on any question, a bell notifying the members of a roll call shall be sounded. After the votes are registered the absentees shall be noted and upon demand of any member, another bell signifying that a call of absentees is being taken shall be sounded and a reasonable time shall be allowed after the sounding of the bell before the voting is closed.***

***Reference to Electric Roll Call System to be Understood.***

***Rule 94. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes and noes" or "calling of the roll", such reference shall be understood to refer also to the "taking" of the vote by electric roll call system. There shall be a taking of the vote by electric roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in cases of tie votes the board may be left open for a longer period of time.***

***Dress Code.***

***Rule 95. At all times when the House is seated, proper attire for gentlemen shall be coat and tie. Proper attire for women shall be dresses, skirts or slacks worn with a blazer or sweater. This rule shall apply to all members on the floor of the House and lower gallery.***

***Eating, Smoking, and Other Distractive Activities***

***Rule[s] 96. No food, newspapers, or other items or activities distractive to House deliberations shall be permitted on the floor of the House while the House is in Session. Smoking is prohibited in the House Chambers, upper and lower galleries, except members may smoke in the East Gallery.***

***Ascending the Dais.***

***Rule 97. No person shall ascend the Dais without first being recognized to do so by the Speaker.***

## *INTERIM PROCEDURE*

### *Bills--End of First Regular Session.*

***Rule 98. (a) To be Laid Upon Speaker/President's Desk; When Re-referred. All House Bills or House joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the Speaker's desk. All Senate bills and joint resolutions in possession of the House and not finally acted upon shall, at 5:59 p.m. on the first Friday following the second Monday in May in odd-numbered years, be laid on the President Pro-Tem's desk. House bills and joint resolutions laid on the Speaker's desk may be re-referred by the Speaker to House committees at the second regular session of the General Assembly in even-numbered years.***

***(b) When Rule May be Suspended. This rule may only be suspended by a vote of two-thirds of the elected members of the House.***

### *Bills--Pre-Filing.*

***Rule 99. A member or member-elect of the House of Representatives may file a bill or joint resolution by mail or in person with the Clerk of the House at any time during the period beginning on December first and ending on the day before a regular session begins which next precedes the session at which the bill or joint resolution is to be considered. Upon receiving a bill or joint resolution filed during the filing period preceding a regular session of the general assembly in odd-numbered years, the Clerk of the House shall immediately date, number and have the bill or joint resolution printed in the most economical manner as approved by the House Rules Committee and made available according to the rules and practices of the general assembly next preceding that for which the bill or joint resolution is filed and those bills and joint resolutions received during the filing period preceding a regular session in an even-numbered year shall be printed and made available according to the then effective rules of that general assembly.***

### *Interim Committees.*

***Rule 100. All standing committees named during the first regular session of a general assembly may meet to consider bills or to perform any other necessary legislative function during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January; except the Speaker may appoint a subcommittee, made up of members of the standing committee, to act in the place of the standing committee during the interim. Members of each of the committees, or any subcommittee thereof, shall be reimbursed from the contingent fund of the House for their necessary and actual expenses incurred while attending meetings of the committee or subcommittee if approved by the Speaker.***

## *CALL OF THE HOUSE*

### *Names of Absentees to be Called.*

***Rule 101. A call of the House may be made at any time on motion seconded by ten members and sustained by a majority of those present; (names of members may be called orally or by electric roll call) and under a call of the House a majority of those present may send for and compel the attendance of absent members; and a majority of all the members present shall be a sufficient number to adjourn.***

### *Absent Members May Be Sent For.*

***Rule 102. Upon the call of the House, the names of those members present shall be recorded and the absentees noted, and those whose names do not appear may be sent for and taken into custody wherever found by the Sergeant-at-Arms or special messenger appointed.***

***Prohibited While Electric Voting System Open.***

***Rule 103. No call of the House shall be made after the Speaker has directed the clerk to open the electric voting device to record the names of the members and until the vote be announced.***

***Majority Not Under Arrest May Censure and Fine***

***Delinquent Members.***

***Rule 104. The majority of those present, not under arrest, may make an order for the censure or fine of delinquent members, and prescribe the terms under which they shall be discharged.***

***Release from Custody.***

***Rule 105. When a member shall have been discharged from custody and admitted to his/her seat the House shall decide whether such discharge shall be with or without fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger shall defray the expense of such special messenger.***

***[PROCEDURE IN] COMMITTEE OF WHOLE HOUSE***

***[Committee of the Whole House] When Permitted.***

***Rule 106. On motion, the House may resolve itself into a Committee of the Whole House for consideration of any business which may properly come before it.***

***Chairman Appointed by Speaker.***

***Rule 107. In forming a Committee of the Whole House, the Speaker shall leave his/her chair, and a Chairman preside in the Committee, who shall be appointed by the Speaker.***

***Procedure Upon Bills.***

***Rule 108. Upon a bill being committed to a Committee of the Whole House, the same shall first be read at length by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amended by clauses, as before.***

***Amendment to Motion Must be Incorporated in Original Motion.***

***Rule 109. All amendments made to an original motion in Committee of the Whole House shall be incorporated with the motion and so reported.***

***Amendment Shall be Noted.***

***Rule 110. All amendments made to reports, resolutions or other matters committed to a Committee of the Whole House shall be noted and reported, as in case of bills.***

***Rules of Proceedings.***

***Rule 111. Rules and proceedings of the House shall be observed in Committee of the Whole House, as far as they are applicable, except that limiting the number of times of speaking.***

***Quorum.***

***Rule 112. A majority of the members elected shall be a quorum to do business; and if, at any time, a sufficient number shall not be present in Committee of the Whole House, and the Committee shall arise, and the Speaker shall resume the chair and the Chairman report the cause of the rising of the Whole Committee.***

***ADMISSION TO HALL***

***Definitions.***

***Rule 113. The space between the granite columns shall be known as the floor of the House and the space beyond the granite columns on either side shall be known as the lower gallery, and the space on the upper floor of the Hall shall be known as the upper gallery.***

***Admission to House Floor.***

***Rule 114. No person shall be admitted to the floor of the House or the House East Gallery other than the officers and members of the House and the staffs of the Speaker, Speaker Pro Tem, Majority and Minority Floor Leaders and Chairman of the Budget Committee. Other persons may be admitted to the floor and East Gallery with the consent of the House. Guests may upon written request, submitted five days in advance and with the consent of the Speaker, address the House from the dais at the beginning or adjournment of a daily legislative session or any recess thereof.***

***Admission to Lower Gallery.***

***Rule 115. No person shall be admitted to the lower gallery of the House except members of the General Assembly, spouses of members, employees of the [General Assembly] House, Joint Committee Staff, the Governor, the Lieutenant Governor, Secretary of State, the State Auditor, the State Treasurer, Judges of the Supreme Court, Clerk of the Supreme Court, Judges of the Courts of Appeals or Circuit Courts, Attorney General, Members of Congress, the Governor's Chief of Staff and former members of the General Assembly who are not registered lobbyists or who do not lobby for an individual or organization. No official except current members of the General Assembly otherwise allowed to the lower gallery by this rule shall engage in any activity supporting or opposing any bill or resolution before the House from the lower gallery. Other persons may be admitted to the gallery by the chair upon special request of any Representative when the House is in session. Members of the press may enter the lower galleries while the House is in session for the purpose of interviewing members of the House.***

***Admission to Upper Gallery.***

***Rule 116. The gallery at the front of the chamber above the Speaker's dais shall be reserved for members of the press having valid credentials issued by the Speaker. The upper rear gallery shall be reserved for special guests of members of the House admitted by personal pass issued by any member. The upper side galleries shall be open to the public.***

***There shall be no smoking in the upper rear or upper side galleries.***

***[Admission to Lower Gallery] Privileges of Former Members.***

***Rule 117. Former members of either House of the General Assembly employed as legislative counsel or agents shall enjoy only such privileges as are under these rules accorded to other legislative counsel and agents.***

***Permission Required for Electronic Devices.***

***Rule 118. Tape recorders, portable phones, video equipment, television equipment, photography equipment, and/or any other electronic recording devices are not authorized for use on the floor of the House or in any gallery of the House Chambers unless permission has been granted from the Chair. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized, unless any other member objects to the noise created or generated by any such laptop computer in which case the Chair may rule on whether or not any specific laptop computer shall be removed from the House***

*floor.*

*RULES*

*May be Rescinded or Amended--How.*

*Rule 119. Any motion or resolution purporting to rescind or change the standing rules of the House or to introduce a new rule shall stand without reading or consideration and without discussion, explanation, or debate to the Committee on Rules. Such motions or resolutions as shall be favorably recommended by such committee for adoption by the House shall, upon such recommendation, be printed in the Journal and shall be placed upon a Resolutions Calendar. A constitutional majority shall be required to pass such a resolution.*

*May Be Dispensed With.*

*Rule 120. Rules 81 and 82 of the House shall not be suspended or dispensed with, unless by unanimous consent or unless two-thirds of the elected members concur therein. No other standing rule or order of the House shall be dispensed with, except by unanimous consent or unless a constitutional majority concur therein and motions for that purpose shall be limited to the question or proposition under consideration.*

*Jefferson's Manual.*

*Rule 121. The rules of parliamentary practice comprised in "Jefferson's Manual" and the "Rules and Practice of the House of Representatives of the United States, 97th Congress", and all extensions and amendments thereto as annotated and revised by Cannon and Deschler, shall govern the House in all cases in which they are applicable and not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. The Office of the Chief Clerk, the Speaker, the Speaker Pro Tem, the Majority Floor Leader, the Assistant Majority Floor Leader, the Minority Floor Leader, and the Assistant Minority Floor Leader will make available copies of these documents in his/her office to any member who so requests. The documents shall be purchased by the House and shall be the property of the House and not of the individual holding the office. The Manual and Digest of the rules and practice, above referred to, shall be taken as authority in deciding questions not otherwise provided for in these rules.*

*HOUSE RESOLUTION*

*HCS HR 5, relating to House Rules, was taken up by Representative Backer.*

*Representative Backer offered House Amendment No. 1.*

*House Amendment No. 1 was withdrawn.*

*Representative May (108) offered House Amendment No. 1.*

*House Amendment No. 1*

*AMEND House Committee Substitute for House Resolution No. 5, page 39, by deleting said rule and inserting in lieu thereof:*

*Rule 94. In all cases where a rule of the House of Representatives refers to the "calling of the names of the members" or "calling of the ayes and noes" or "calling of the roll", such reference shall be understood to refer also the "taking" of the vote by electric roll call system. There shall be a taking of the vote by electric roll call system on the motion of any one member which is seconded by four other members immediately standing. A vote by electronic roll call shall be limited to thirty minutes, except in cases of quorum calls.*

*On motion of Representative May (108), House Amendment No. 1 was adopted.*

*Representative Graham (24) offered House Amendment No. 2.*

*House Amendment No. 2 was withdrawn.*

*Representative Dougherty offered House Amendment No. 2.*

*House Amendment No. 2*

*AMEND House Committee Substitute for House Resolution No. 5, page 38, rule 91, line 24, by moving "verification of the role" to immediately above "Members not to interrupt calling of ayes and noes; / changing vote",*

*and on line 3, by deleting the comma "," after the word begun.*

*On motion of Representative Dougherty, House Amendment No. 2 was adopted.*

*Representative Tate offered House Amendment No. 3.*

*House Amendment No. 3*

*AMEND House Committee Substitute for House Resolution No. 5, Rule 28, page 12, section 4, by deleting after the word Transportation, the phrase "and the Department of Labor and Industrial Relations"; and further amend said Resolution, Section 6, by inserting after the word Conservation, the phrase "and the Department of Labor and Industrial relations."; and further amend said Resolution, rule 38, page 23, subsection (f) after the phrase "shall apply to the" by striking the phrase "committee on ethics" and inserting in lieu thereof the phrase "Committee on Ethics";*

*and further amend House Committee Substitute, rule 28, section 4, line 6, by deleting the words "Department of Highways and Transportation" and inserting in lieu thereof the words "and the Missouri Department of Transportation"*

*On motion of Representative Tate, House Amendment No. 3 was adopted.*

*Representative Graham (24) offered House Amendment No. 4.*

*House Amendment No. 4*

*AMEND House Committee Substitute for House Resolution No. 5, Page 44, Rule 115, line 8, by adding after the word "organization" the following:*

*", and physically disabled persons"*

*On motion of Representative Graham (24), House Amendment No. 4 was adopted.*

*Representative Lograsso offered House Amendment No. 5.*

*House Amendment No. 5*

*AMEND House Committee Substitute for House Resolution No. 5 pertaining to Rules, page 9, rule 24, line 4 of said rule, by inserting after the word "each" the words "standing, special, conference and interim" and on line 5, by deleting ",subject to the final approval of the Speaker".*

*Representative Lograsso moved that House Amendment No. 5 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 070*

*Akin Alter Ballard Barnett 4 Bartelsmeyer*
*Bennett 15 Boatright Broach Burton Champion*
*Chrismer Cierpiot Cooper Crawford Dolan*
*Edwards-Pavia Elliott Enz Evans Foster*
*Froelker Gaskill Gaston Gibbons Graham 106*
*Griesheimer Gross Hall Hartzler 123 Hartzler 124*
*Hegeman Hendrickson Hohulin Holand Howerton*
*Kasten Kauffman Kelley 47 Legan Levin*
*Linton Lograsso Long Loudon Marble*
*McClelland Murphy Naeger Nordwald Ostmann*
*Patek Pouche Pryor Purgason Reinhart*
*Richardson Ridgeway Robirds Ross Sallee*
*Schwab Scott Secrest Shields Summers*
*Surface Townley Vogel Wannenmacher Wooten*

*NOES: 085*

*Auer Backer Barry 100 Bauer Bland*
*Bonner Boucher Bray Campbell Carter*
*Clayton Copeland Crump Daniels 41 Davis 63*
*Davis 122 Days Dougherty Farmer Farnen*
*Fitzwater Foley Ford Franklin Fritts*
*Goward Graham 24 Gratz Green Hagan-Harrell*
*Harlan Heckemeyer Hickey Hollingsworth Hoppe*
*Hosmer Johnson Kelly 27 Kennedy Kissell*
*Koller Kreider Lakin Lawson Leake*
*Liese Luetkenhaus Lumpe May 108 Mays 50*
*McBride McLuckie Monaco Murray O'Connor*
*O'Toole Overschmidt Parker Prost Ransdall*
*Relford Reynolds Rizzo Scheve Schilling*
*Seigfreid Shear 83 Sheldon 104 Shelton 57 Skaggs*
*Smith Stokan Stoll Stroker Tate*
*Thomason 163 Thompson 37 Treadway Troupe Van Zandt*
*Wiggins Williams 121 Williams 159 Wilson Mr. Speaker*

*PRESENT: 000*

*ABSENT WITH LEAVE: 007*

*Berkstresser Daniel 42 Donovan Gunn Hand*

*Miller Steen*

*VACANCY: 001*

*On motion of Representative Backer, HCS HR 5, as amended, was adopted.*

*WITHDRAWAL OF HOUSE BILL*

*January 9, 1997*

*Mrs. Anne Walker*

*Chief Clerk*

*House of Representatives*

*State Capitol Building*

*Dear Anne:*

*I would like to withdraw House Bill 152 as of this date.*

*Thanking you in advance for your time and consideration, I remain*

*Respectfully yours,*

*/s/ Wayne Crump*

*State Representative*

*152nd District*

*INTRODUCTION OF HOUSE BILLS*

*The following House Bills were read the first time and 1,000 copies ordered printed:*

*HB 219, introduced by Representative May (108), et al, relating to crimes against children.*

*HB 220, introduced by Representative Dougherty, relating to domestic violence.*

*HB 221, introduced by Representative Linton, et al, relating to governmental records.*

*HB 222, introduced by Representative Linton, et al, relating to the powers of local school boards.*

*HB 223, introduced by Representative Linton, et al, relating to public school programs.*

*HB 224, introduced by Representative Linton, et al, relating to education.*

*HB 225, introduced by Representative Troupe, relating to certain medical practices.*

*HB 226, introduced by Representative Troupe, relating to the licensing and regulation of physicians and surgeons.*

*HB 227, introduced by Representative Troupe, relating to the licensing and regulation of physicians and surgeons.*

*HB 228, introduced by Representative Auer, relating to insurance companies.*

*HB 229, introduced by Representative Auer, relating to sales taxation.*

*HB 230, introduced by Representative Pouche, relating to income taxation.*

*HB 231, introduced by Representative Pouche, relating to special road districts in certain counties.*

*HB 232, introduced by Representative Dougherty, et al, relating to insurance coverage for cancer prevention.*

*HB 233, introduced by Representatives Dougherty and Gunn, et al, relating to insurance.*

*HB 234, introduced by Representative Robirds, et al, relating to peace officer training.*

*HB 235, introduced by Representative Summers, et al, relating to certain civil actions against psychotherapists.*

*HB 236, introduced by Representative Robirds, et al, relating to the adoption of English as the official language.*

*HB 237, introduced by Representative Robirds, et al, relating to motor vehicle drivers' licenses.*

*HB 238, introduced by Representatives Bray and Gunn, et al, relating to the environmental equity and justice commission.*

*HB 239, introduced by Representative Long, et al, relating to judicial circuits.*

*HB 240, introduced by Representatives Hosmer, Smith, and Kreider, et al, relating to the protection of certain children.*

*HB 241, introduced by Representative Hosmer, et al, relating to tax relief.*

*HB 242, introduced by Representative Hosmer, relating to acquired immunodeficiency syndrome.*

*HB 243, introduced by Representative Hosmer, relating to the department of corrections.*

*HB 244, introduced by Representative Hosmer, relating to motor vehicles.*

*HB 245, introduced by Representative Tate, relating to interdistrict school transfers that further court-ordered obligations.*

*HB 246, introduced by Representative Goward, relating to the licensing of insurance agents and brokers.*

*HB 247, introduced by Representative Goward, relating to the board of police in certain cities.*

*HB 248, introduced by Representative Goward, relating to emergency vehicles.*

*HB 249, introduced by Representative Kreider, relating to emergency telephone service.*

*HB 250, introduced by Representative Graham (106), relating to not for profit corporations.*

*HB 251, introduced by Representative Auer, relating to commercial casualty insurance.*

*HB 252, introduced by Representative Van Zandt, et al, relating to the sunshine law.*

*The following member's presence was noted: Representative Berkstresser.*

*ADJOURNMENT*

*On motion of Representative Backer, the House adjourned until 6:00 p.m., Sunday, January 12, 1997.*

*HOUSE CALENDAR*

*THIRD DAY, SUNDAY, JANUARY 12, 1997*

*HOUSE BILLS FOR SECOND READING*

*HB 219 through HB 252*

*Return to the Missouri House of Representatives*

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# House Journal

## First Regular Session, 89th General Assembly

THIRD DAY, Sunday, January 12, 1997

Speaker Gaw in the Chair.

Prayer by Larry Walker, Sergeant-at-Arms.

Dear Lord, we thank you for this day and the many blessings you share with each of us. We thank you for your love and pray that you will guide us as we serve the State of Missouri. Please forgive us of our sins and guide our lives. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Lori Franklin.

Representative Backer moved that Rule 95 be suspended.

Which motion was adopted.

The Journal of the second day was approved as printed.

**RESOLUTION**

Representatives Hickey and O'Connor offered House Resolution No. 29.

**SECOND READING OF HOUSE BILLS**

**HB 219** through **HB 252** were read the second time.

**ESCORT COMMITTEES**

The following committee was appointed to escort the Governor, The Honorable Mel Carnahan, to the dais in

Joint Session on Wednesday, January 22, 1997: Representatives Lakin, McLuckie, Scheve, Smith, Gunn, Gratz, Kauffman, Ostmann, Greisheimer and Vogel.

The following committee was appointed to escort the Chief Justice of the Supreme Court of the State of Missouri, The Honorable John C. Holstein, to the dais in Joint Session on Thursday, January 16, 1997: Representatives May (108), Bauer, Parker, Thompson, Wilson, Bray, Gibbons, Patek, Hendrickson and McClelland.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 137

Alter Backer Ballard Barnett 4 Barry 100

Bartelsmeyer Bennett 15 Berkstresser Bland Boatright

Bonner Boucher Bray Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniels 41 Davis 63 Davis 122 Days Dolan

Donovan Dougherty Edwards-Pavia Elliott Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey

Hohulin Holand Hollingsworth Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkenhaus Lumpe Marble May 108

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Ostmann Overschmidt Patek

Pouche Prost Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear 83

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 025

Akin Auer Bauer Daniel 42 Enz

Gaskill Goward Hall Hand Hendrickson

Hoppe Hosmer Kauffman Loudon Mays 50

McBride Nordwald O'Connor O'Toole Parker

Ridgeway Surface Tate Troupe Wiggins

VACANCY: 001

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 253**, introduced by Representative Scheve, relating to motor vehicle license plates.

**HB 254**, introduced by Representative Treadway, relating to mechanic's liens.

**HB 255**, introduced by Representatives Graham (24) and Wilson, relating to sales taxation.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Monday, January 13, 1997.

**HOUSE CALENDAR**

FOURTH DAY, MONDAY, JANUARY 13, 1997

**HOUSE BILLS FOR SECOND READING**

HB 253 through HB 255

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# House Journal

## First Regular Session, 89th General Assembly

FOURTH DAY, Monday, January 13, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Let us work for the good of all." (Gal. 6:10)

As I drove into the city from the west side of town this morning, the Capitol building was silhouetted against a clear sky, with the rising sun shining brightly behind it. I began to wonder about today's inaugural activities, and the work that we are about in this session; I wondered also about our fellow citizens and what today's activities will mean to them, and how many of them will watch or listen or read or care.

Gracious God, as we give thanks once again for the orderly transition of power, with the taking of the oath of office by Governor Carnahan and the other state-wide officials, we re-commit ourselves to bringing honor to the work we do, doing the best we can to fulfill the pledges in our oath of office, seeing to it that as many of our constituents as possible are informed and involved in what we do and that our procedures allow for as much participation as possible. May we work, as Paul the Apostle asks in today's Bible verse, "for the good of all." Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the third day was approved as corrected by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Luetkenhaus Lumpe Marble May 108
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Prost Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear 83
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Goward Hall Hand Loudon Mays 50
Ridgeway

VACANCY: 001

**SECOND READING OF HOUSE BILLS**

**HB 253** through **HB 255** were read the second time.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 1**.

The President Pro Tem has appointed the following Escort Committee to act with a like Committee from the House. Senators: Caskey, Jacob, House, Maxwell, Schneider, Wiggins, Ehlmann, Kinder, Klarich and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 2**.

The President Pro Tem has appointed the following Escort Committee to act with a like Committee from the House: Senators Banks, DePasco, Johnson, Staples, Scott, Quick, Yeckel, Bentley, Sims and Childers.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 1**.

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, the Board of Curators of the University of Missouri desires to convey property constituting the University Park in Kansas City, Jackson County to the Ewing Marion Kauffman Foundation; and

WHEREAS, Section 172.020, RSMo, provides that the conveyance of any land contained within a university campus must be approved by the general assembly by passage of a concurrent resolution signed by the governor; and

WHEREAS, the property to be conveyed is more particularly described as follows:

(1) All land in the park to the west of Rockhill Road, approximately 3.5 acres;

(2) All land in the park between Rockhill Road and Troost Avenue, approximately 33.5 acres; and

WHEREAS, the property will be used by the Kauffman Foundation, including the Conservation Commission and the Powell Gardens, as described in their proposal to the Board of Curators; and

WHEREAS, the Kauffman Foundation will pay the University of Missouri $16,000,000 at the time of the conveyance of the property:

NOW, THEREFORE, BE IT RESOLVED that the Senate of the First Regular Session of the Eighty-ninth General Assembly, the House of Representatives concurring therein approves and authorizes the conveyance of the aforesaid real property by the Curators of the University of Missouri to the Ewing Marion Kauffman Foundation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to submit this resolution upon passage by both Houses of the General Assembly, to the Governor for approval pursuant to Section 172.020, RSMo, and upon such approval to send a copy thereof to the Curators of the University of Missouri.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following committee to act with a like committee from the House pursuant to **SCR 2**. Senators: Quick, Banks, Caskey, Curls, Flotron, Goode, Howard, Johnson, Lybyer, Mathewson, Mueller, Rohrbach, Russell, Schneider, Scott, Singleton, Staples and Wiggins.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 256**, introduced by Representative Lumpe, relating to special school districts.

**HB 257**, introduced by Representatives Copeland and Leake, relating to financial institutions.

**HB 258**, introduced by Representatives Lumpe and Dougherty, et al, relating to the confidentiality of medical records.

**HB 259**, introduced by Representative Liese, relating to settlement of life insurance policies.

**APPOINTMENT OF COMMITTEE**

The Speaker appointed the following to serve on the Rules, Joint Rules and Bills Perfected and Printed Committee: Representatives Backer, Days, May (108), Scheve, Harlan, Kreider, Crump, Hickey, Kelley, Legan, Lograsso, Shields, Long and McClelland.

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 3** - Rules, Joint Rules and Bills Perfected and Printed

**HCR 5** - Rules, Joint Rules and Bills Perfected and Printed

**HCR 6** - Rules, Joint Rules and Bills Perfected and Printed

**HCR 7** - Rules, Joint Rules and Bills Perfected and Printed

On motion of Representative Backer, the House recessed until 10:45 a.m.

**JOINT SESSION**

The Senate and House of Representatives met in Joint Assembly in the Rotunda of the State Capitol and President Pro Tem William P. McKenna called the Joint Assembly to order.

Governor Mel Carhanan was escorted to his place at the podium by the Legislative Inaugural Committee.

Austin Carnahan led the audience in the Pledge of Allegiance to the Flag.

LeAndre Richardson sang the National Anthem.

The Invocation was offered by Reverend Thomas J. Savage, S.J., President, Rockhurst National Seminars Group.

The Honorable John Lyon Anderson, Judge of the 23rd Judical Circut Court, administered the oath of office to Attorney General Jeremiah W. (Jay) Nixon.

The Honorable Calvin R. Holden, Judge of the 31st Judicial Circuit Court, administered the oath of office to State Treasurer Bob Holden.

The Honorable John W. Grimm, Judge of the 32nd Judicial Circuit Court, administered the oath of office to Secretary of State Rebecca McDowell Cook.

The Honorable Gene Hamilton, Judge of the 13th Judicial Circuit Court, administered the oath of office to Lieutenant Governor Roger B. Wilson.

A scripture reading was offered by the Reverend Dr. Robert A. Johnston, Senior Pastor, First Baptist Church, Rolla, Missouri.

A prayer of dedication was offered by Rabbi Susan Talve, Central Reform Congregation, St. Louis, Missouri.

The Harris-Stowe State College Concert Chorale, under the direction of Dr. Doris Jones Wilson, sang a "Patriotic Medley".

The oath of office was administered to Governor Mel Carnahan by the Honorable Ronnie L. White, Justice of the Missouri Supreme Court. Immediately after the administration of the oath, military honors were rendered to Governor Carnahan with the firing of a nineteen gun salute by the First Battalion, 128th Field Artillery, Columbia, Missouri.

Governor Carnahan delivered his Inaugural Address.

**INAUGURAL ADDRESS**

**BY GOVERNOR MEL CARNAHAN**

Values and Vision: The Summons to a New Century

Governor Mel Carnahan

Jefferson City, Missouri

January 13, 1997

Two rural school teachers made a lasting impression on me. They were my parents--one a school superintendent; the other an English teacher. Both had a way of going far beyond what was expected of them.

When they saw youngsters coming to school hungry, they knew that little learning would take place. So they started a hot lunch program. They hauled surplus flour and butter from the railway depot to school in their pickup truck so bread could be made for the students.

Because my father knew that education was more than reading and writing, he formed a band, and became its leader. He also felt that learning teamwork was important, so he organized a basketball team. Of course, the school couldn't afford a coach, so he took on the extra duty himself.

And because there were some students who lived out beyond the bus routes and couldn't get to school, my mother and father took those students into our own home to stay during the school year.

I've thought of my parents often during the past four years as I have served in the office of Governor--the place where I now have the chance to affect the education of Missouri's children.

I evoke their memory today because who we are, and what we value most comes from the past. As we stand here today, we are encircled by the symbols of Missouri's heritage--the capitol...church...courts...and citizens of our state. I am also mindful that we are gathered in a capital city named for one of the great founders of democracy, Thomas Jefferson. We are here today because he--at the turn of a new century--dreamed of a nation that would one day stretch from shore to shore.

Today we approach **our** new century.

A lot has changed--not just from Jefferson's time, but even from the days of my parents when it was a huge undertaking to travel ten miles from home. Today we ride over highways undreamed of back then. One such highway is already transforming our lives--the information super highway. Last month we heard about a new

computer that performs a trillion calculations a second; it handles in fifteen seconds what would take someone with a calculator 250,000 years to accomplish.

We prepare to explore a new era--an era in which learning to operate a computer will be as crucial as it was for our parents' and grandparents' generation to operate a car.

These generations of Missourians met their challenges and left us a worthy example--they helped America fight and win cruel wars, came home and built the strongest economy the state has ever seen, and sent a message of freedom heard around the world.

We must not mock their vision with lesser dreams.

Enriched by their values, inspired by their achievement, we are intent on giving our children the tools and opportunities needed for global living.

In keeping with that commitment, I will--as my first official act of this new term meet with some students of the high school graduating class of the year 2000.

To those students and others like them, I pledge not merely to celebrate what we have accomplished, but to dedicate myself to those whose accomplishments are yet to come.

Such work does not begin today; we have made progress since I stood here four years ago.

Missouri's economy is strong, with more than 300,000 new jobs.

We are reforming Missouri's schools, cutting the crime rate, and moving people from welfare rolls to payrolls.

When disaster struck, in the form of the worst floods the state had seen in hundreds of years, Missourians moved quickly to help their neighbors. We created relocation plans for the future that have already saved millions of tax dollars and much disruption of lives.

I say all this not just because of the statistics--for there are limits to what numbers can tell us about the daily lives of people.

I speak of our progress because I have seen it first hand.

I've seen it in Rogersville, where I went to one of our A+ Schools and spoke with high school seniors who would have been dropouts, and now are being trained for real jobs.

I've seen it in Nevada, where folks are converting an abandoned building into a telecommunity center. Soon they will be able to use video conferencing and other high tech resources--usually available only in big cities--to compete for new businesses and jobs.

I've seen it at William Woods University, where a woman who had been on welfare recently came up to me. She was in the FUTURES Program--Missouri's superb initiative designed to train able-bodied welfare recipients and get them back on their feet again. This young woman was graduating from college and beginning her new life as a teacher. She pointed to her own two children, two and four years old, and said--"The FUTURES Program not only made a difference for me, it's making a difference for them."

Yes, we are preparing our people and our state for the 21st Century. But much is left to be done.

The achievements of a generation, like any journey, are made up of small individual steps.

The most important of these steps will be made hand-in-hand with our children, whose care and future we value more than our own well-being.

It has been said that: "A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone, attend to those things which you think are important. He will assume control of your cities, states and nations. The fate of humanity is in his hands. Teach him well."

Abraham Lincoln put it this way in one of his earliest of public statements: "I view education as the most important subject which we as a people can be engaged in."

I think this is what Governor Lon Stevens had in mind at his inaugural exactly a hundred years ago. As he stood on this hilltop, looking into a new century, he reminded Missourians that when it came to our public schools, "nothing should be more carefully guarded or more vigorously promoted."

What was true in 1897 is equally true in 1997.

Let there be no doubt--this administration will vigorously promote education, not just with words, but through plans and hard work that translate into achievement.

To those who know that the skills for the jobs of the 21st Century cannot always be acquired by the 12th grade, we pledge an all-out effort to make grades 13 and 14 as available as a high school diploma is today.

To those who know that without computer training you cannot find opportunity in the workplace of the century ahead, we pledge this--a state in which every school is linked to the information highway, and equipped with the computers to provide hands-on training for every student.

Let it be our goal to make every Missouri youngster computer literate by age twelve.

To those determined that Missouri's colleges and universities maintain their excellent reputation, let me say this--we too, share that resolve. There should be no company locating in another state because workers with the skills needed by new businesses were unavailable within our borders.

Reaching new levels of excellence will not be easy for any of us. The difficulty of educating a child is apparent to anyone who has sat with a son or daughter over algebra homework, or tried to persuade them to turn off Nintendo 64 to read a book.

Education doesn't just happen in the classroom. It happens in the home. It occurs when schools are safe. It comes when students are healthy and well-nourished.

And so, we further pledge that we will create the surroundings in which education can flourish, where schools are free of guns, gangs and drugs, and where learning is enhanced by good health and nutrition.

And because we know that learning begins long before school ever starts, we are expanding our nationally recognized Parents as Teachers initiative and support for early childhood education. We must make Missouri a state in which every child goes to school healthy, immunized and ready to learn.

A while back, as I toured a school with the local superintendent, he explained his approach to education. "We want to leave no child behind," he told me as he proudly pointed out the extra effort his community was putting forth to keep children in school and excited by learning.

His is a fitting goal for all of us. We must improve learning in all our schools, from Hayti to Hannibal; Eminence to Independence; St. Joseph to St. Louis.

Economically and socially, we cannot afford a Missouri of educational haves and have-nots.

We must leave no child behind. If we are to embrace the future, we must first embrace the child.

This cannot be the mission of government alone. Nor can it be accomplished only with dollars and hardware.

So, I urge new partnerships to begin between government and business and communities that will forge new endeavors. Surely, the education of our children is too important to remain the province of one party or one administration. We seek, we need the abilities and insights of all. Only then can we thrive as a people.

We in this age of technology know that the finest computers will help us realize our aims only if those using them are instilled with the values and vision on which our state and nation have been built.

This is truly our greatest challenge as we are summoned by a new century. One that calls for bold plans and courageous deeds.

May we not approach this new era with faltering steps or flinching spirit.

Rather, let us go forth hand in hand, like partners in a great adventure. Girded in faith, made strong by hope, firm in the knowledge that He who directs the course of the universe as well as the flight of the sparrow, will guide us in a sure and certain path.

And generations from now, when the balloons and bunting are gone, and when our speeches are shelved in the archives, those who are children now will remember our deeds. May they look back and say, we preserved the future for them.

Let them say, too, that Missouri, once the gateway to the frontier, opened a gateway to the future. And in that new era, may we be guided not only by innovation and enterprise, but by virtues as timeless as those taught by those two Ozarks school teachers who shaped my life more than half a century ago.

The Harris-Stowe State College Concert Chorale, under the direction of Dr. Doris Jones Wilson, sang "The Battle Hymn of the Republic".

The Benediction was pronounced by Pastor Sammie E. Jones, Mt. Zion Missionary Baptist Church, St. Louis, Missouri.

On motion of President Pro Tem McKenna, the Joint Assembly was dissolved.

The University of Missouri-Columbia Symphonic Band, directed by L. Kevin Kasterns played musical selections.

**LETTER OF RESIGNATION**

Hon. Steve Gaw

Speaker

House of Representatives

Jefferson City, Missouri

Dear Mr. Speaker:

It is with mixed feelings that I tender my resignation as a member of the House of Representatives from the 162nd District in order to assume my duties as Director of Legislative Research. My resignation will become effective at 11:59 p.m. on Monday, January 13, 1997.

It has been an honor and a privilege to serve in the Missouri House and to represent the people of the 162nd District and I look forward to serving the members of this body in my new position.

Respectfully submitted,

/s/ Donald Prost

State Representative

District 162

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, January 14, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Third Day, Sunday, January 12, 1997, Page 97, roll call, by showing Representatives Kauffman and Tate voting "present" rather than "absent with leave".

**HOUSE CALENDAR**

FIFTH DAY, TUESDAY, JANUARY 14, 1997

**HOUSE BILLS FOR SECOND READING**

HB 256 through HB 259

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# House Journal

## First Regular Session, 89th General Assembly

FIFTH DAY, Tuesday, January 14, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"The prayer of the humble pierces the clouds, and it will not desist until the Most High responds.

(Sirach 35:21).

It is the morning after the Inaugural activity. Soon we will be seriously about the business of the House and of the General Assembly.

Gracious God, we ask today that this short time of prayer each day as we begin the session, would be like salt to our work, something simple which gives it flavor and taste and makes sense of the joys and frustrations of the day; we ask also that this formal prayer would be accompanied by regular prayer each day in private, and with friends and family and with the House's own weekly breakfast session and that the whole week would be brought together at our home worshipping community on the weekend." Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Erin Hogshead, Megan Freidman, Todd Levine, Chris Morris, Brian Schwierjohn, Garrett Stokan, Adair Stokan, Michael Mitchell, Milton Mitchell, James Knowles, Sarah Wagner, Alisha Bailey, Megan Wolf, Brie Wolf, Amalie Laustsen and Julie Laustsen.

The Journal of the fourth day was approved as printed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear 83 Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Patek

PRESENT: 001

Hickey

ABSENT WITH LEAVE: 004

Daniels 41 Ford Goward Hand

VACANCY: 002

**RESOLUTIONS**

Representative Green offered House Resolution No. 30.

Representative Days offered House Resolution No. 31.

Representative Ford offered House Resolution No. 32.

Representative Hartzler (124) offered House Resolution No. 33.

Representative Cooper offered House Resolution No. 34.

**SECOND READING OF HOUSE BILLS**

**HB 256** through **HB 259** were read the second time.

**REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 1** - Rules, Joint Rules and Bills Perfected and Printed

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 8**, introduced by Representative Kreider, relating to limitation of the power of the general assembly.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 260**, introduced by Representatives Skaggs, Franklin and Cooper, et al, relating to bail bond forfeitures.

**HB 261**, introduced by Representative Pouche, relating to zoning hearings.

**HB 262**, introduced by Representative Murray, et al, relating to municipal fire departments.

**HB 263**, introduced by Representative Green, relating to certain liquor licenses.

**HB 264**, introduced by Representatives Legan and Kreider, et al, relating to county building commissions.

**HB 265**, introduced by Representative Richardson, relating to probation revocation hearings.

**HB 266**, introduced by Representative Stoll, et al, relating to regulation and registration of interior designers.

**HB 267**, introduced by Representative Overschmidt, relating to ownership of certain prearranged funeral or burial contracts in determining certain public assistance benefits.

**HB 268**, introduced by Representative Clayton, relating to excursion gambling boats.

**HB 269**, introduced by Representatives May (108) and Hosmer, et al, relating to criminal proceedings involving mental illness.

**HB 270**, introduced by Representative Ostmann, et al, relating to domestic relations.

**HB 271**, introduced by Representative Bennett (15), et al, relating to eligibility for public assistance.

**HB 272**, introduced by Representative Bennett (15), et al, relating to restraining orders for juveniles.

**HB 273**, introduced by Representatives Bennett (15) and Hall, et al, relating to income taxation with an effective date.

**HB 274**, introduced by Representative Bennett (15), et al, relating to legislative research.

**HB 275**, introduced by Representatives Thomason (163) and Overschmidt, et al, relating to sheltered workshops.

The following members' presence were noted: Representatives Ford and Daniels (41).

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, January 15, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Second day, Thursday, January 9, 1997, page 94, line 27, by deleting the name "Summers" and inserting in lieu thereof the name "Robirds".

**COMMITTEE MEETINGS**

**RULES, JOINT RULES, BILLS PERFECTED AND PRINTED**

Wednesday, January 15, 1997, 3:00 pm. Hearing Room 9. Executive session to follow.

To be considered - HCR 3, HCR 5, HCR 6, HCR 7, SCR 1

**HOUSE CALENDAR**

SIXTH DAY, WEDNESDAY, JANUARY 15, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 8

**HOUSE BILLS FOR SECOND READING**

HB 260 through HB 275

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# House Journal

## First Regular Session, 89th General Assembly

SIXTH DAY, Wednesday, January 15, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"(I) have come not to be served but to serve". (Matthew 2:27).

May we take our theme for the prayer today from the theme of the upcoming memorial service for Jim Sears. It is so easy to get caught up in the power and the rush of work. Humble us Lord, keep us aware that we are servants, and no matter how strong or powerful, or ambitious, or how much money or education or social or political connections, we have at best a fragile grasp of life. May our integrity, our character, our willingness to give rather than receive, be the solid ground on which we stand, as it was to Jim. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifth day was approved as printed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear 83 Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Edwards-Pavia Goward Hand Nordwald

VACANCY: 002

Representative Backer moved that Rule 114 and Rule 115 be suspended.

Which motion was adopted.

**MEMORIAL SERVICE FOR REPRESENTATIVE JIM SEARS**

Eulogy by Representative Farnen:

I'd like to thank everyone for coming here today, especially our honored guests, and, of course, all the members of the Sears' family.

Before I was elected to serve in this chamber, I made my living as a writer. But writing a eulogy for a best friend was a challenge that I thought was many years away.

Before I began this task, my biggest anxiety was that my writing skills wouldn't be able to match the vibrancy and fullness of Jim's life. I mean, can any words adequately convey the true essence of any man -- let alone a unique personality like Jim Sears.

So, with that in mind, it was with some trepidation that I began to write about the Jim Sears that I knew.

For a full and accurate accounting of a man's life, you must add up his debits as well as his credits. What were Jim's faults? While no man is perfect, I honestly can't think of a major defect to report to you. Well, OK, he did lie about how great a fisherman and hunter he was. And it's also true that he told some of the worst jokes in the history of mankind -- most of which involved some sort of barnyard animal. Jim had a great sense of humor, but every once in awhile he'd come up with a pun so bad that it made you groan and feel nauseous. Believe it or not, those bad puns are one of the things I miss most about him.

We also had friendly debates about his preferences in food and cultural diversions. He was a man of simple tastes. "Fine dining" for Jim was to order the "supersize" fries at McDonald's. His definition of "classical music" was anything by Hank Williams.

But these really weren't faults. He was the least pretentious person I've ever known. He liked what he liked, and he wasn't about to change for anyone. But at the same time, he never looked down or criticized other peoples' tastes or lifestyles. And while I occasionally joked with him about his tastes, in reality it was I who learned more from him than anyone else in my whole life.

So, just what are those other positive qualities about Jim that made him so special?

I think one of the things that I admired most about Jim was his ability to stay true to himself, no matter what the situation. This political culture in which we exist and thrive sometimes seems to favor those who grandstand, or who are petty or self-indulgent. And yet, Jim succeeded by being none of those things.

Jim was quiet, unassuming and modest -- never blinded by ambition. Just take a look at the issues he concentrated on while he was a House member. Water bonds, rural economic development, weed control. These are not issues that get you on the 6 o'clock news or the front page of the St. Louis Post-Dispatch. But he didn't care because those were the issues that were important to the people back home.

Let me tell you a story about Jim that happened one year ago but that wasn't widely reported. During our infamous leadership turmoil, Jim turned down two appointments that would have been extraordinary for a freshman legislator. Even though his rural area desperately needed an advocate on fiscal matters, he turned down a seat on the Budget Committee because he thought someone else was more deserving. He later gave up a committee chairmanship solely to help promote harmony within our caucus. Even though he wanted, and frankly, deserved these two positions, he turned them down, and he did it without complaining, without leaking it to the press and without throwing a fit in caucus. I wonder how many of us would have done the same.

Jim Sears was a true family man. He wasn't one of those "election year - family values" politicians who are home long enough just to take a picture for his campaign brochure. The one thing he hated about this job was the time it took him away from Debbie, Kelsey and Rodney. He was constantly making sacrifices for them, and it was his family's future well-being that was one of the major reasons he decided to go to law school.

I spent a lot of time in Jim and Joe's office -- so much so that some people were surprised to find out that I do have an office of my own on the second floor. But every time I was there at night bugging Jim while he was trying to get some work done, either he would take the time to call Debbie or she would call him. They weren't "checking up on each other," they called each other because they wanted to. And if the kids were still up, Jim would insist on talking to them and telling them how much he loved them.

Jim was a positive person. He didn't attain his office by negatively attacking others or demeaning this body. He was honest and open and friendly, and he attempted to get along with everyone, despite any partisan labels. Of course, he had some friends here whose relationships he especially treasured.

Robert Clayton, Jim loved your sense of humor and sardonic outlook on life.

Don Summers, he admired your commitment of your family and attempted to emulate it.

Mr. Speaker, he respected your sense of fairness and regard for ethics.

Marilyn Williams, he loved your down-to-earth wit, and he was one Yankee that treasured his membership in the Bootheel Caucus.

Larry Thomason, Don Koller, Henry Rizzo, Jack Hickey, Bill Skaggs, Dick Franklin, Sam Leake and O.L. Shelton: Jim probably never told you this, but one of the reasons he loved this job was because he got to sit around with people like you and listen while you told stories about your experiences as legislators. He even liked the stories that were only partially true. He had a real appreciation for the history of the House, and he also revelled in a camaraderie that, frankly, isn't what it used to be.

And Joe Heckemeyer, in you I believe Jim found a kindred soul. He admired your affability and laid-back approach in dealing with problems. Perhaps most of all, he treasured the good times he had with you, and he looked forward to a lot more of them.

I can't end without mentioning Jim's dedication to the people back home -- his constituents. This was a man who -- despite holding public office -- was deeply loved by the people of the 1st District. The only time he had opposition he got 88% of the vote, and in his home county of Scotland he got 95%. Even in the bad old days of the Soviet Union, there were unopposed Communists who got less of a percentage than Jim.

The people loved him for a lot of reasons. Part of it was certainly his hard work. Part of it was his fun and informative morning broadcasts on KMEM. But most importantly, Jim was simply their friend. He was real and genuine and never forgot his roots. If it's true that Will Rogers never met a man he didn't like, then it's equally true that anybody whoever met Jim Sears couldn't help but come away liking him.

Those of you who were nice enough to attend Jim's funeral were able to witness this relationship firsthand. More than 1,500 people crowded into a high school gym on a dreary holiday weekend to pay their respects to someone very special. This was more than just a routine funeral for a prominent citizen. It was more deep and complex than that. These people came to say goodbye to one of their own who had succeeded in life simply by living up to life's highest ideals.

Because of his popularity, Jim could have taken it easy and coasted in his role as state representative. But instead he strove to work harder than any other legislator I've known. Many times he would try to make two or three meetings on the same night at faraway points within his district -- and believe me, it's a large district. The huge amount of mail he got in his office was a running joke between us, and his phone bills were always ridiculously high because he called so many constituents to help solve their problems

In the next few days we'll be debating how much we as legislators deserve to get paid. Despite any differences of opinion or grandstanding on that issue, I think we can all agree that even if Jim had been paid three times the proposed increase, the people of the 1st District would still have been getting a bargain.

I could go on for hours about the profound loss that we have suffered. But we need to move on, so I'll conclude by letting you know that by the time I finished typing this speech late last night on an old, battered typewriter, I was no longer intimidated by the fact that my lack of writing or oratorical skills might not match the glory of Jim's life. I realized that no matter how uneloquent or inelegant this eulogy might be, in the overall scheme of things it was irrelevant. Because even in the prematurely shortened life that he led, Jim achieved what he had set out to do. And that was merely to be the very best possible father, son, husband, legislator and friend.

Eulogy by Representative Heckemeyer:

Jim Sears was my friend. And he was the friend of many of you in this room. I remember the first day I met Jim Sears about 2 years ago on our Freshman Tour. The first time I met Jim Sears, Jim came up and said, "hello, my name is Jim Sears, and I said, "my name is Joe Heckemeyer." "Where are you from Joe?" " I'm from Sikeston. Where are you from, Jim?" "I'm from Memphis." "Hold up! What are you doing here, Memphis is in Tennessee?" Jim further inquired, "what counties do you represent?" " I don't represent counties, I represent parts of New

Madrid, Mississippi and Scott counties." "Scott!" he said, "well I'm from Scotland and I represent the counties of Clark, Lewis, Schuyler, Scotland and Knox." I said, "Jim you said whole counties" He said, "yeh, I represent whole counties. There aren't many people where I am from and it's poor." I said, "well, I am from an area just as poor." "What do you do, Heckemeyer?" "Jim, I'm a farmer and I've got crops, I am an entrepreneur and I do other things on the side to make a living." He said, "well, I work for KMEM, a radio announcer and I'm the voice of the fighting bulldogs from Northeast Missouri State University." He was very proud of that.

Also, on that tour I made other friends, one just spoke, Ted Farnen. As you can tell, Ted is a very good journalist, his experience comes from working here in the Capitol building for the Senate and at some time he was also a writer for the Sedalia paper. I asked, " Ted where are you from?" Ted said "I am from Mexico". Maybe my cardinal directions are backwards in my mind. Maybe the bootheel is in the north part of the state of Missouri. Two people right off from towns with southern names.

The third gentlemen I met, and I was in total awe, came from Hannibal, Missouri. I knew where that was, I had heard about Hannibal. He was 24 years old, just won a race to become a legislator and had just passed the bar. Twenty-four years old, doing all these things, that's really incredible.

Those of you who went on the freshman tour know pretty well the routine. You get up early in the morning and when you come to your final destination in the evening you get an hour or two to rest and get your things together. When the bus pulled up in front of the hotel, all of us would run out and grab our keys. "I'm looking for room 415, another 210, etc. and then we would group together before going to our rooms and agree to meet at a local watering hole. "Hey, we'll all meet back together for a cold one with the gentleman from St. Louis." A few minutes after, we all would head to the spot and sure enough David Reynolds would be in there having one and Dave would have stories to share with us. And if there were not stories to talk about, we would talk about things of his day: Mickey Carol, Pinky Pevely, and other stories, some that revolved around the Wizard of Oz. When David couldn't carry the conversation, Jim would jump in and say something about sports and then Farnen would make some smart comment. Of course the rhetoric between the two was hilarious. If nothing was going on, we made something go on. When something was going on, we would draw a crowd. And for that hour in every town we stayed in, we really had cherished and memorable moments.

When we completed the tour, the day and got off the bus, we were told our room assignments. Jim was the first off the bus. "Hey Heckemeyer, you and I are rooming together." I said "alright". We were placed on the fourth floor and were really proud about it. "We'll get somebody to open our door and all meet over there. Then we'll go out and find the other rooms of our friends from the Freshman tour." Jim and I were checking out our offices. We were checking out the furniture and trying to figure things out. Low and behold, the witty one finds our offices, the king of comedy, Ted Farnen comes in the door. "Well, I suppose this is the office of the redneck and the hick". I looked at Jim, and of course he thinks faster than I do, he said, "are you the redneck or the hick?" I said, "I don't know, but I don't think I want to be called a hick." At that time, we had an argument on who's the redneck and who's the hick. The young lawyer walks in the door. We look at him and said, "look, here's a lawman, he can tell us what's going on." Clayton grabbed his glasses nervously and said, "I don't deal with such matters, besides, you guys couldn't afford me." The truth is, we probably couldn't.

But through that tour strong bonds were made between the four of us and through those bonds we have had some unique opportunities to visit different parts of the State and to go to events in each other's districts. It's amazing when you do go up into Northeast Missouri. You go up and see Jim's district and see that his district loves him. And you could also see that Jim loved his district.

Something else about Jim. It's amazing Ted thought of same things that I did and we had not talked before about this ceremony or about what each of us were going to say.

There are times that we would sit down together and share thoughts. I think, at this time, the youngest of us was twenty-four and Jim was probably the oldest, about thirty-two. Other than David, sorry David. We would sit and think, "you know, these years of our lives are very important years for building up money and making something of yourself." Term limitations are in affect now and we would look at a young man, who is in his prime, thirty-two years old, and has two babies and a wife and think about his future. Jim would say, "Joe, I could sit here for another six years, possibly eight years. If I sit here for another six years, I've got a chance to become a Senator." "You know I am never going to make any money. I have got to do something for me and my family."

Ted was right. Jim was very giving. He would give you the shirt off his back if you were in trouble. Everything he had, he would just give to you. We had more conversations, "well what are you going to do, Jim". Jim said, "I am going to go to law school, and I am going to do four more years in the Legislature and then we'll see what happens." "By the time I've done four years, I will have my law degree. So if something goes wrong, I will have something to fall back on." He loved KMEM, but he wanted something a little better for his family. For those who do not know what happened to Jim, he was driving home from law school when he had his accident. And I

reflect back upon what happened to Jim. I don't have pity on Jim because Jim was one of those guys who rode the merry-go-round of life and he rode it hard, always reaching for the brass ring, pushing life to its fullest. Something happened. His horse tripped and he fell off that merry-go-round. He's no longer with us. I can't explain what happened. I don't think anybody can. There's no rational reasoning for it. No one could possibly be blamed for what happened. I do feel sorrow for his family and I miss his presence because he was always good to cut in with humor when he had the opportunity. Boy, his input was brilliant! And when the king of comedy was present, before you know it, we would again have an audience. We would all act to our best.

I wonder where Jim is? What is Heaven? I look above and is Jimmy looking down upon us or is his soul among us. I know that if he can be with us, which I do think he is, his first priority is being with his family in Memphis, Missouri, the real Memphis. If I could speak to Jimmy right now, the last thing I would say, "I know you are a selfless person and I know that you will do this for me. Pray for us Jimmy, pray for us that we will do right and guide us. If you are capable of seeing what's happening to us." Then I would have to say, "Jimmy, goodbye, until we meet again." Thank you.

Eulogy by Representative Summers:

There's not much more to say, other than punctuate what the fine gentlemen have said about our friend. I've already apologized to Debbie, this was not a good day to lose my voice. In North Missouri, we set a lot of store in being a good neighbor. Jim was a tremendous legislative neighbor. Between us, we covered eight Northeast Missouri counties, and we would try to cover for each other. I remember one time in particular he said we needed to go to the Golden Corral but he meant Ponderosa. We chased each other all over town trying to make another meeting.

We had some great times and got to know each other well, on some very long drives from Northeast Missouri. We rode down together on the freshman tour. I've never gotten to know someone so well, so quickly. There are so many memories of Jim I'll treasure.

Jim loved the young people of Northeast Missouri. We shared legislatively the schools of the Tri-Rivers Conference. Jim's radio station, KMEM covered the Tri-Rivers Conference exclusively. Many times he would come over and greet my guests, recognizing them and their accomplishments from many years past.

One of the things I thought about doing this morning was to play a tape of Jim calling a football game. He was excellent! And he was proud of being the voice of the NMSU Bulldogs. If you heard him on the radio, he sounded so good, you could picture him in a posh skybox filled with sophisticated equipment. In reality, he was in a very cramped space, with ratty equipment, making it sound like he was working for NBC or ABC. In between calls or during commercial breaks, he would be telling a joke or giving Debbie a kiss. He made broadcasting look easy, and he will be missed by many sports fans in Northeast Missouri.

We want to share a couple of songs with you. The Old Rugged Cross was a favorite of his and was sung at his funeral where fifteen hundred of his closest friends came to honor him. The we'll sing Amazing Grace. When we are through, we will ask you to join us for the first verse.

One final thing, I don't think a day went by that Jim didn't talk about Rod, Kelsey, and Debbie and what was going on at home. That was the center of his universe. Whether it was fun times, or in the middle of some of the more gut wrenching time we have down here, he never forgot the ones he loved back home.

Musical Selection by the General Assembly Gospel Singers: Representatives Barnett, Marble, Ross, Scott, Summers and Senator Rohrbach.

Prayer by Father Hugh Behan.

Gracious God, we ask you to hold Jim Sears in the palm of your hand today and to let Deborah, Kelsey and Rodney, his parents, Jerry and Ruthie, his brother, Lonny and his wife Teresa, and other family and friends feel the power of your love and the healing peace which comes from Jim to them this morning in that powerful bond of spiritual unity, which we cannot define but which we have so often experienced; let them also have fond memories of the love that is also being mediated through this beautiful expression of sympathy and support and memorial tribute.

We offer our prayers and ask for peace also for the other deceased members of the General Assembly, and

for family members and for people who walked these halls during the past several years as lobbyists and supporters. We pray also for their family members, and for those suffering from serious illnesses and other troubles at this time.

I close with an Irish blessing. "Ar Dheis De' Go Raibh A'nanam" "May his soul be at the right hand of God". Amen.

The Memorial Service having ended, the Speaker resumed the Chair.

**RESOLUTIONS**

Representative Auer, et al, offered House Resolution No. 35.

Representative Crump, et al, offered House Resolution Nos. 36 and 37.

Representative Monaco offered House Resolution No. 38.

Representative Wiggins offered House Resolution No. 39.

Representative Hartzler (124) offered House Resolution No. 40.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 8** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 260** through **HB 275** were read the second time.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 9**, introduced by Representative Lumpe, et al, relating to limitations on local tax rates.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 276**, introduced by Representative Skaggs, relating to amusement ride safety.

**HB 277**, introduced by Representative Ballard, et al, relating to certain juvenile detention facilities.

**HB 278**, introduced by Representative Lumpe, relating to claims and warrants.

**HB 279**, introduced by Representative Crump, relating to the state highway patrol.

**HB 280**, introduced by Representative Shields, relating to the outstanding schools act.

**HB 281**, introduced by Representative Burton, relating to the reporting and examination of impaired drivers.

**HB 282**, introduced by Representative Kissell, et al, relating to sheriffs' duties and municipal peace officers.

**HB 283**, introduced by Representative Thomason (163), relating to agricultural products.

**HB 284**, introduced by Representative Carter, relating to the disposition of evidence.

**HB 285**, introduced by Representative Carter, relating to school buses.

**HB 286**, introduced by Representative Williams (121), relating to officers of cities of the fourth classification.

**HB 287**, introduced by Representative Liese, relating to prepaid dental plans.

**HB 288**, introduced by Representative Lumpe, et al, relating to public drinking water.

**HB 289**, introduced by Representative Pouche, relating to duties of county commissions.

**HB 290**, introduced by Representative Boucher, et al, relating to sales taxation.

**HB 291**, introduced by Representatives Hartzler (124) and Backer, et al, relating to adoption.

**HB 292**, introduced by Representative Schilling, et al, relating to teachers.

**HB 293**, introduced by Representative Schilling, et al, relating to liquor control.

**HB 294**, introduced by Representative Schilling, et al, relating to repealing the death penalty.

**HB 295**, introduced by Representative Schilling, relating to the legislative per diem.

**HB 296**, introduced by Representative Gross, et al, relating to public officials and employees.

**HB 297**, introduced by Representative Thomason (163), et al, relating to brewers and wholesalers of beer.

**HB 298**, introduced by Representative Ostmann and Foley, et al, relating to certain gambling activities.

**HB 299**, introduced by Representative Ostmann and Smith, et al, relating to termination of parental rights.

**HB 300**, introduced by Representative Barry, relating to invasion of privacy.

**HB 301**, introduced by Representatives Lumpe and Farmer, relating to state income tax revenues from certain nonresidents.

**HB 302**, introduced by Representative Boucher, relating to the establishment of the family development account program.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **HCRs 3, 5, 6 & 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute be adopted.**

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE CONCURRENT RESOLUTIONS NOS. 3, 5, 6 and 7

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its initial schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1996; and

WHEREAS, on November 25, 1996, the Revisor of Statutes received the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly before February 1, 1997; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive, and is not appropriate at this time:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby reject the 1996 Compensation Schedule (Appendix A) of the 1996 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996.

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **SCR 1**, begs leave to report it has examined the same and recommends that it **be adopted.**

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, January 16, 1997.

**HOUSE CALENDAR**

SEVENTH DAY, THURSDAY, JANUARY 16, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 9

**HOUSE BILLS FOR SECOND READING**

HB 276 through HB 302

**HOUSE CONCURRENT RESOLUTIONS**

HCS HCR 3, 5, 6, 7, (Jan 15, 1997) - Schilling

**SENATE CONCURRENT RESOLUTION**

SCR 1, (Jan. 13, 1997 pgs. 100 & 101) - Campbell

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTH DAY, Thursday, January 16, 1997

Speaker Gaw in the Chair.

Prayer by Representative Kelley (47).

O God, our God, we come to acknowledge you as our creator and the One from whom all blessings flow. We praise you and thank you for those blessings - for the gift of life, for our families, friends, and for the moral principles you have given us, for its gift of salvation, and for your promise to always be with us. As legislators we come humbly to acknowledge that we are sinners who do not have all the answers to the problems of the world. We ask your forgiveness for our sins and pray for your wisdom to guide us as we make important decisions.

We pray for Rev. Cheryl Tatham as she faces surgery and also for Mrs. Erma Heald Daley, Sandy Kauffman's mother, who also is having surgery to repair a broken hip. Grant them healing, peace and comfort. Watch over us as we travel home and keep fresh in our minds the memorial service we shared yesterday and the memories of Jim Sears and his family. We pray you will keep close to them and inspire us with their example to be close to our family in the days ahead. In Jesus' name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Kayla Sappington.

The Journal of the sixth day was approved as printed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear 83 Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Edwards-Pavia Gaskill Hand Kauffman

VACANCY: 002

**RESOLUTIONS**

Representative Murphy offered House Resolution Nos. 41 through 43.

Representative Bartelsmeyer offered House Resolution Nos. 44 through 46.

Representative Relford offered House Resolution No. 47.

Representative Richardson, et al, offered House Resolution No. 48.

Representatives Richardson and Foster offered House Resolution No. 49.

Representative Copeland offered House Resolution No. 50.

Representative Clayton offered House Resolution Nos. 51 through 53.

Representative Ford offered House Resolution No. 54.

Representative Lakin offered House Resolution No. 55.

**HOUSE CONCURRENT RESOLUTIONS**

Representative Edwards-Pavia, et al, offered House Concurrent Resolution No. 8.

Representative Dougherty offered House Concurrent Resolution No. 9.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 9** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 276** through **HB 302** were read the second time.

**SENATE CONCURRENT RESOLUTION**

**SCR 1**, relating to conveyance of land, was taken up by Representative Campbell.

On motion of Representative Campbell, **SCR 1** was adopted.

Representative Backer moved that Rule 114 and Rule 115 be suspended.

Which motion was adopted.

**JOINT SESSION**

The hour of the Joint Session having arrived, the Senate in a body was admitted; and Lieutenant Governor Wilson presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 031

Banks Bentley Caskey Childers DePasco

Ehlmann Flotron Goode Graves House

Howard Jacob Johnson Kenney Kinder

Klarich Lybyer Mathewson Maxwell McKenna

Mueller Quick Rohrbach Russell Schneider

Scott Sims Staples Westfall Wiggins

Yeckel

NOES: 000

ABSENT WITH LEAVE: 001

Clay

ABSENT: 002

Curls Singleton

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 000

NOES: 000

PRESENT: 140

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Bonner Bray Broach

Campbell Carter Chrismer Cierpiot Clayton

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Elliott Enz Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kennedy Kissell Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McLuckie Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Overschmidt Parker Patek Pouche Pryor

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Shear 83 Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

ABSENT WITH LEAVE: 021

Boatright Boucher Burton Champion Cooper

Edwards-Pavia Evans Hand Harlan Kauffman

Kelly 27 Koller Kreider McBride McClelland

Murphy Ostmann Purgason Secrest Surface

Wooten

VACANCY: 002

The doorkeeper announced the approach of the Honorable John C. Holstein, Chief Justice of the Missouri Supreme Court. Chief Justice Holstein was duly escorted to the House Chamber and to the Speaker's dais where he delivered the following message to the assembly in Joint Session:

**STATE OF THE JUDICIARY ADDRESS**

by Hon. John C. Holstein, Chief Justice

to Joint Session of the General Assembly

January 16, 1997

Mr. President, Mr. Speaker, Members of the General Assembly, Ladies and Gentlemen:

The millennium is upon us. The last time we entered a new millennium, there were ominous predictions of wars of Armageddon, pestilence, and death. And with good reason. If you were to look at the world a thousand years ago, it was not a very happy place to live. Most children didn't live to reach school age. And, of course, there were no schools as we know them. Such reading and writing as existed was done in monasteries in a language that was used by no one in daily conversation. Such laws as existed were written in Latin and were edicts of a king rather than the deliberate acts of a popularly elected legislative body. One significant difference between the law then and the law now is the ability to communicate the law to every citizen. No one could have predicted in the year 997 the means of communication that would be invented. It began with the printing press and extended through the microchip. But all this information is here, and we in government must learn to harness it and use it.

A thousand years ago, the people believed that trial by fire or trial by water were valid methods of determining the truth. It would be a couple of centuries before the guarantee of a right to a jury trial would find its way into our common law system. It would not be until this country was founded that the right to a jury trial would be permanently placed in state and federal constitutions. The jury trial has served us well. It is a marriage of the best of our legal system and of democracy. It was born in England, but it grew to maturity here. Modern constitutions have given the promise of other rights that we all hold dear when we find ourselves in court; the right to counsel, a fair and speedy hearing before an impartial judge, and equality for every citizen in the courts. While our court system is populated by humans and is capable of making mistakes, it also has the wonderful ability to correct mistakes. I hope the members of this body would approach any change in our state court system with a healthy degree of skepticism. But there are areas of our law where change is essential.

As I noted last year, for more than twenty years, the chief justice of the Missouri Supreme Court has been invited to speak to the General Assembly. We are grateful for that opportunity. One of my predecessors, when he was chief justice, Robert Donnelly, spent most of his time speaking of the tension that had developed between the state and federal courts regarding federal intervention in state cases. He pointed out that individual federal trial judges were, in effect, overruling decisions of the Missouri Supreme Court, particularly in criminal cases. He suggested that there may be little reason for state courts to review post-conviction claims in capital cases. Chief Justice Donnelly's frustration was not ignored. But it took more than 15 years for his message to sink in.

In recent habeas corpus reform by Congress, strict limitations were placed on the power of federal courts to review state convictions. However, to obtain the benefit of those limitations on federal habeas corpus review, the state had to reaffirm its obligation to ensure adequate representation of defendants in capital cases.

The Missouri Supreme Court, in an effort to ensure that such federal review and its accompanying delay is minimized, adopted a rule effective on July 1, 1997. It requires that public defenders designated to represent indigent defendants in post-conviction capital cases must meet minimum experience requirements. Unquestionably, there will be a cost associated with this. Some view this as a shifting of responsibility by the federal government to the states. The fact is, it is the state that makes the determination that it will seek the death penalty and, therefore, it is only appropriate that the state pay its costs. I see the federal habeas corpus reform not so much as Congress instructing the state on how defendants in capital cases should be represented but, rather, a recognition of the state's inherent responsibility to ensure adequate representation of every indigent defendant that is called to account in its courts. The public defender must have the resources to hire and retain experienced attorneys. These resources must include reasonable salaries, office facilities and support staff. I would urge both the Governor and you as you consider the budget request of the public defender commission to take into account its needs for adequate office space and staff salaries. These are essential to secure the promise that effective and experienced attorneys will be representing indigent defendants in criminal cases.

Last year, you will recall I told you that I had recently appointed a committee to study court security in Missouri. The committee, headed by Chief Judge Robert Ulrich of the Missouri Court of Appeals, Western District, reported back late this summer. One of the recommendations in the report was that the responsibility of the marshals for security of the Supreme Court and Court of Appeals buildings and judges should be spelled out in the statutes. We will be seeking legislation this year to make clear that the marshals and security officers have the necessary authority and the responsibility to provide such security. Other steps are being taken to heighten the awareness of local circuit courts, courthouses, and sheriffs regarding evolving security issues. We will be seeking authority to employ a court security specialist to provide advice and assistance to local circuit courts in these matters.

To ensure equal justice under law demands access by all, even the poor. In the past, it has been a combination of free work by lawyers plus federal funding and private contributions that have ensured that the poorest people in Missouri are able to access Missouri's courts.

Lawyers are doing their fair share. In fact, some are doing more than their fair share in representing the poor. In Missouri, there are 3,000 lawyers who regularly take cases without fee from six legal services offices located in the state. That accounts for more than 15% of the legal aid services cases in Missouri. In addition, there are thousands of attorneys who represent their clients for little or no fee, but receive no recognition for it in the statistics of the legal services agencies. I know of no profession that does more to help the poor than do these attorneys. The Missouri Bar Board of Governors is taking steps to encourage increased private contributions and lawyer participation in legal services. This is a story that the news media simply does not cover.

Even though lawyers are providing enormous amounts of money and energy to this cause, I challenged them to do more at the annual meeting of The Missouri Bar. I am today asking the state of Missouri to do more. Federal funds are drying up. But this is a **state** justice system, and the state has the responsibility to keep that system open to all who need access. As you did last year for the first time, I would ask that you continue to provide funding for legal services so that the poorest among us will have access to our system of justice. Indeed, unless the very poorest do have access to our court system, it is difficult to consider it fully a system of justice.

In most areas, the growth in case loads has been modest. But the caseloads continue to grow at an alarming rate in the area of family law. More than 14,000 more domestic relations cases were filed in 1996 than in 1992. Through transfer projects, we have been able to move judges to where the caseloads exist in order to maximize the number of cases that can be disposed of by our courts. In general, we either transfer judges or rely on senior judges to handle these growing caseloads. In particular, during FY96, 34 retired judges accepted assignment to serve as senior judges. Those judges provided the courts with 455 weeks of judicial service. Senior

judges have proved most valuable where vacancies had occurred due to retirement or illness, or caseloads demanded attention. These judges have kept dockets current until a replacement was appointed or in order to keep the court current. In effect, our senior judges have provided us nearly 10 judges in the fiscal year 1995-96. I want to thank the General Assembly for fully funding the senior judge program, and I would ask you to continue to fully compensate these judges for their work. They are doing an outstanding job.

At the 1996 meeting of the Judicial Conference, it was recommended that our circuit court clerks all be appointed. First, let me say that in my personal contact with elected circuit clerks, most, if not all elected circuit clerks are doing an excellent job. However, the position is critical to the operation of the circuit courts. There is no reason that good circuit clerks should not have the same job security as is held by deputy circuit clerks. As all of you are keenly aware, it takes an inordinate amount of time, money and energy outside the courthouse to run for elective office. That is time taken away from managing the millions of dollars, the records, and hundreds of personnel who work for the courts. The number of cases, the amount of money and the complexity of our courts require the constant attention of those in a managerial position. By making the clerks responsible to the judges who, in turn, are responsible to the people for running the courts, we will assure a close working relationship and, I believe, a more efficient operation of the circuit courts. I commend the proposal of the Judicial Conference to you for your consideration.

Being a court clerk is no longer the uncomplicated job of keeping the files. Today clerks assist claimants in filling out small claims petitions, prepare adult abuse pleadings and give advice to potential litigants. They handle millions of dollars in child support collections. These are tasks that clerks ten years ago would not be asked to do. Clerks must know the fundamentals of using spreadsheets, databases and word processing in the new electronic world. These clerks are in need of training to keep up with the increasing sophistication that is occurring in the court operations. With computerization we must take steps to keep clerks in touch with the new technology now being placed in the courts across the state. We are asking the General Assembly to appropriate funds to provide training to the more than 1,800 clerical staff in the circuit courts. We need to establish a permanent inservice professional training program for clerks equivalent in amount and quality to that provided for other state employees.

The vision of the Missouri court automation project is service, justice and access. Last year, I mentioned the electronic library on compact disks made available to all judges. During the past year, we have adopted a computer network architecture plan which established standards for the wiring, software and hardware for the new automated system. Pilot courts are being assessed and brought into alignment with those equipment standards.

We now have a statewide electronic mail communication system. We are making better use of the internet. As I reported last year, cases of the Missouri Supreme Court are now in full text on the internet. Last month, the cases of the Missouri Court of Appeals, Eastern District, were placed on the internet. We anticipate that the other two districts of the court of appeals and several circuit courts will also have information available on line in the very near future.

As the circuit courts come onto the internet, they will be able to give detailed information not only to lawyers but to all citizens about dockets, where to file small claims or an adult abuse action, telephone numbers to call to obtain legal assistance, and even forms for simple claims that may be prosecuted without an attorney.

During this summer and fall, we have begun procurement of a case management system, a system that will apply to all divisions of all courts across the state. There are 27 pilot project sites, but there are two that will be the primary test sites, Montgomery County and Jackson County. It is our belief that if we can make the case management system work in both of those counties, it will work in every county of the state. The case management system is the critical centerpiece of court automation. With the case management system and the legislation you passed last year, we will be able to ensure accurate, uniform assessment and collection of costs. Internal and external electronic audits will be possible. Fast and accurate electronic transfer of funds from local courts to the agency entitled to those funds will become possible. The case management system extends to every aspect of every case, from civil to criminal, from juvenile to probate, from small claims to appeals. Once complete, it will give people outside the courts, including executive agencies, law enforcement, attorneys, news media and ordinary citizens access to information. It is an ambitious project. No state has successfully accomplished a statewide, all-encompassing case management system. Some have tried and failed. We've learned from those failures. We have moved cautiously. We've had a number of intermediate successes. All that is missing is the necessary funding to move forward into the last five years of the project.

As most of you are aware, the name of our court automation project was EC/2004, referring to the fact that we believed from the beginning that it was a ten-year project. However, the startup funding through court costs was only provided for five years.

The successes already mentioned have proven that we have developed an electronic court system that has the capacity to connect all courts in the state with each other and all lawyers with the courts. Indeed, all citizens of the state are now connected with the judicial branch of government through the internet and electronic mail. In order to complete the mission which the courts have been given, and for this valuable project to continue, it is now necessary that we extend the funding to the year 2004, as originally envisioned.

We are asking that the court costs of $7.00 per case be extended to the year 2004. In addition, we will be working to develop a long-term, stable method to ensure the revenue to maintain the system and ensure staff training for those who will be operating the system.

You have a working judiciary. I am very proud to be a part of it. The most obvious evidence of that work is in case disposition rates. Since adopting case disposition time standards in 1994, the time between filing and disposing of felony complaints has dropped 36%. For misdemeanor informations, the time for disposing of cases has dropped 45%. In the area of domestic relations, the time for disposing of cases, statewide, has dropped 32%. Again, I think our judges and the lawyers who try cases before them are to be complimented on the way they move cases. It has also required the efforts of every clerk in the state to maintain this kind of growth. Whatever may be happening in other states, I'm pleased to report to the legislature that in Missouri there are no case "overloads" in any circuit.

As some of you know, I have an office which stands opposite the capitol, in the red brick building. In a few weeks, I'll look across the lawn in front of the capitol and I'll see the tulips and daffodils begin to push up through the earth. The grass will again turn green. The trees will begin to bud. Dozens of yellow buses will begin to appear in the driveway in front of the capitol building. Out of those buses will come thousands of young people. Among them are tomorrow's voters, representatives, senators and chief justices. They're usually boisterous, and some of them are even unruly. At times they'll clog the hallways and make it difficult for us to move from one place to another here in the capitol building or over in the supreme court building.

Yet one of the great pleasures of my work has been to visit with some of these young people. I try to explain to them something about the building and give them a sense of Missouri history and a broad idea of what the courts do. Then I usually open it up for questions.

Last year, I was set back on my heels by a question of a fifth grader. He asked why these buildings are so fancy. I had to think a minute. Why do we have the ornate buildings, the high ceilings, the marble pillars and the words of great thinkers and spiritual leaders chiseled in the walls? Why do we have the inlaid wood and the beautiful works of art both in and outside the buildings? As I thought about that question, the answer came to me. The buildings remind those of us who work here that we're only here temporarily. The buildings and the values chiseled into the walls were put here years before we came, and will be here years after we're gone. We're merely the caretakers of a dream. Our purpose is to pass on the dream, established by others and inculcated in us, to another generation.

The words we use today are new: electronic courts, judicial resource allocation, case disposition standards. Next year, there will be a new chief justice with new ideas and renewed enthusiasm for the work. It's our form of term limits. But for our state courts, the dream remains constant: to provide a just and speedy disposition of every case on its merits and to make that system of justice accessible to all citizens of Missouri. We pledge to join hands with you to make this dream a reality.

Thank you again for allowing the chief justice to share these thoughts with you.

The Joint Session was dissolved by Lieutenant Governor Wilson.

The Speaker resumed the Chair.

**HOUSE CONCURRENT RESOLUTION**

**HCS HCRs 3, 5, 6 and 7**, relating to salary increases for elected officials and judges, was taken up by Representative Schilling.

Speaker Pro Tem Kreider assumed the Chair.

The Speaker resumed the Chair.

Representative May (108) offered **HS HCS HCRs 3, 5, 6 and 7**.

House Substitute

for

House Committee Substitute

for

House Concurrent Resolution Nos. 3, 5, 6 and 7

WHEREAS, on November 8, 1994, the voters of Missouri adopted an amendment to the Missouri Constitution, codified therein as Section 3 of Article XIII; and

WHEREAS, Section 3 of Article XIII provides that the compensation of statewide elected officials, members of the general assembly and certain members of the judiciary is to be set by the Missouri citizens commission on compensation for elected officials "after a review and study [of] the relationship of the compensation of such officials to the duties of such officials" (Art. XIII, Section 3, Subsection 8).

WHEREAS, the purpose of the commission is "to ensure that the power to control the rate of compensation of elected officials of this state is retained and exercised by the tax paying citizens of this state" rather than by the general assembly (Art. XIII, Section 3, Subsection 1) and

WHEREAS, in order to fulfill this purpose, the Constitution provides that affected public officials shall not receive compensation for the performance of their duties, including salaries, mileage allowances or per diem expense allowances, "other than in the amount established for each office by the commission"; and that "The schedule shall, subject to appropriations, apply and represent the compensation for each affected person beginning the first day of July following the filing of the schedule ..." (Art. XIII, Section 3, Subsection 8)

WHEREAS, Section 3 of Article XIII provides that the schedule shall be come effective on July 1, 1997, unless disapproved by concurrent resolution adopted by the general assembly prior to February 1, 1997; and

WHEREAS, Section 3 of Article XIII provides that implementation of the schedule of compensation, even after its adoption, is "subject to appropriation" by the general assembly (Art. XIII, Section 3, Subsection 8); and

WHEREAS, Section 3 of Article XIII leaves full or partial funding of the recommendations of the commission to the discretion of the general assembly; and

NOW, THEREFORE, BE IT RESOLVED by the senate of the first regular session of the eighty-ninth general assembly, the house of representatives concurring therein, that the secretary of the senate and chief clerk of the house of representatives, upon adoption of each of the following sections by a majority of members of the senate and a majority of the members of the House of Representatives, respectively, shall communicate such adoption to the Governor and the Secretary of State:

1. That a per diem allowance of eighty-six dollars per day for each day that the general assembly is in session shall be authorized effective July 1, 1997, and that the amount appropriated for such purpose shall not exceed such authorized amount;

2. That the differential in pay for the positions in leadership within the general assembly in the amount of three thousand five hundred dollars for the president pro tempore of the senate and the speaker of the house of representatives, and two thousand five hundred dollars for the majority and minority floor leaders of the senate and house of representatives and the chairpersons of the senate appropriations committee and the house budget committee; be approved,

3. That with respect to the salaries of statewide elected officials:

(a) The increase in base salary recommended by the commission for the lieutenant governor in the

approximate amount of five thousand dollars per year shall be approved;

(b) The salaries provided the governor, secretary of state, state treasurer, state auditor and the attorney general remain in the amount currently provided, as recommended by the commission;

(c) The base salaries of all statewide elected officials be subject to the annual salary adjustment provided by section 105.005, RSMo, as recommended by the commission;

4. That with respect to judicial compensation:

(a) The increases provided by the schedule for judges of the supreme court, court of appeals and circuit courts be implemented at a rate not to exceed twenty-five percent per year over a four-year period of the increase provided by the commission, would be as follows: For judges of the supreme court and the court of appeals, 3.4 percent per year for each of fiscal years 1998, 1999, 2000 and 2001; for judges of the circuit courts, 3.7 percent for each of fiscal years 1998, 1999, 2000 and 2001, and that the amount appropriated for such judicial positions shall not exceed such authorized amount;

(b) That increases provided by the schedule for judges of the associate circuit divisions of the circuit court be implemented at the rate not to exceed twenty-five percent of the increase provided by the commission for fiscal year 1998 only. Such increase in the base salary would be 5.7 percent for fiscal year 1998 and that amount appropriated for such purposes shall not exceed such authorized amount. Further consideration of the unfunded portion of the commission's recommendations for salaries of associate circuit judges be deferred until the second regular session of the eighty-ninth general assembly, after the general assembly has considered the issue of whether or not the Constitution should be amended to eliminate the requirement that an associate circuit judge be required in every county and after the general assembly has considered the issue of deployment of judicial resources and legislation needed to ensure efficient use of associate circuit judges on a statewide basis;

(c) The amount of per diem reimbursement for expenses incurred during meetings of the Missouri judicial conference be calculated in the same manner as the amount of per diem is calculated for legislators and the amount appropriated for such purpose shall not exceed that authorized amount;

(d) The chief justice of the supreme court shall continue to receive the additional two thousand five hundred dollars currently provided by law to such position;

5. That the increase provided by the schedule for members of the general assembly be implemented at a rate of ten percent per year over a four-year period, except as may be adjusted by cost of living increases in the manner provided by section 105.005, RSMo.

BE IT FURTHER RESOLVED that, subject to the authority of the general assembly to fund or withhold all or portions of the funding for such recommendations, the general assembly conditionally accepts and adopts the schedule of compensation filed by the Missouri citizens commission on compensation for elected officials with the secretary of state and the revisor of statutes, to become effective on July 1, 1997, the condition of such acceptance and approval being that the general assembly shall not approve appropriations to implement the recommendations of the commission in excess of those appropriations consistent with this resolution. In the event that the general assembly shall approve appropriations in excess of the appropriation necessary to implement this resolution, then the schedule of compensation shall be deemed disapproved as of the date of the adoption of this resolution.

Representative Lograsso raised a point of order that **HS HCS HCRs 3, 5, 6 and 7** is out of order pursuant to Rule 49.

Representative May (108) made a substitute motion that Rule 49 be suspended and **HS HCS HCRs 3, 5, 6 and 7** be adopted.

Speaker Pro Tem Kreider resumed the Chair.

Representative O'Connor requested a division of the question.

The Speaker resumed the Chair.

The Speaker ruled the division of the question is not divisible.

Representative Shelton (57) moved that **HS HCS HCRs 3, 5, 6 and 7** lay on the table until we receive an Attorney General's Opinion.

Which motion was defeated by the following vote:

AYES: 023

Auer Bauer Bland Carter Daniel 42

Davis 63 Days Donovan Dougherty Ford

Graham 24 Gunn Hagan-Harrell Kennedy May 108

O'Toole Reynolds Scheve Sheldon 104 Shelton 57

Stokan Thompson 37 Troupe

NOES: 130

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright

Bonner Boucher Bray Broach Burton

Campbell Champion Chrismer Cierpiot Clayton

Copeland Crawford Crump Davis 122 Dolan

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 106 Green Griesheimer Gross Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Schilling

Schwab Scott Secrest Seigfreid Shear 83

Shields Skaggs Smith Steen Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Cooper Daniels 41 Edwards-Pavia Gratz Hand

Kauffman Lumpe Wooten

VACANCY: 002

Representative Reynolds offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Concurrent Resolution Nos. 3, 5, 6 and 7, page 4, section 5, line 15, by inserting after the words "section 105.005, RSMo", "**but not to exceed the amounts contained in the schedule.**"

Representative Reynolds moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Speaker Pro Tem Kreider resumed the Chair.

Representative May (108) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Committee Resolution Nos. 3, 5, 6 and 7, page 3, section 4(a), line 11, from the top of said page by inserting after the word "commission" the following: "**except as may be further adjusted by cost of living increases provided by section 476.405, RSMo. Such annual increases in the base salary prior to such cost of living increases,**"

Representative May (108) moved that House Amendment No. 2 be adopted.

Which motion was defeated.

Representative May (108) moved that Rule 49 be suspended and **HS HCS HCRs 3, 5, 6, and 7** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Auer Bauer Bland Boucher Campbell

Carter Copeland Crump Daniel 42 Daniels 41

Davis 63 Days Donovan Dougherty Fitzwater

Ford Fritts Goward Green Gunn

Hagan-Harrell Hall Hickey Hollingsworth Hoppe
May 108 McLuckie Murray O'Connor O'Toole
Reynolds Rizzo Scheve Sheldon 104 Shelton 57
Stokan Stroker Thompson 37 Troupe Van Zandt
Williams 121

NOES: 114

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright
Bonner Bray Broach Burton Champion
Chrismer Cierpiot Clayton Crawford Davis 122
Dolan Elliott Enz Evans Farmer
Farnen Foley Foster Franklin Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Griesheimer Gross Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble Mays 50 McBride
McClelland Miller Monaco Murphy Naeger
Nordwald Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Robirds Ross
Sallee Schilling Schwab Scott Secrest
Seigfreid Shear 83 Shields Skaggs Smith
Steen Stoll Summers Surface Tate
Thomason 163 Townley Treadway Vogel Wannenmacher
Wiggins Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper Edwards-Pavia Gratz Hand Kauffman
Wooten

VACANCY: 002

Representative Bland offered **HS #2 HCS HCRs 3, 5, 6 and 7** and moved that Rule 49 be suspended.

House Substitute No. 2

for

House Committee Substitute

for

House Concurrent Resolution Nos. 3, 5, 6 and 7

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its initial schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1996; and

WHEREAS, on November 25, 1996, the Revisor of Statutes received the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly before February 1, 1997; and

WHEREAS, some of the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive and not appropriate at this time; and

WHEREAS, any person subject to the salary recommendations of the Missouri citizens commission on compensation may, after such person has been elected to office, refuse any or all of such person's salary or per diem amount or both:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby direct the directors of the appropriate accounting offices to create a form for any person to designate a refusal of any or all of such person's salary or per diem amount or both; and

BE IT FURTHER RESOLVED that the refusal shall take effect fifteen days after receipt of such form by the appropriate accounting office.

Representative Bland moved that Rule 49 be suspended and **HS #2 HCS HCRs 3, 5, 6 and 7** be adopted.

Which motion was defeated by the following vote:

AYES: 029

Auer Bauer Bland Boucher Carter

Clayton Daniel 42 Daniels 41 Davis 63 Days

Donovan Dougherty Ford Goward Gunn

Hagan-Harrell Hall May 108 Mays 50 Murray

O'Connor O'Toole Reynolds Sheldon 104 Shelton 57

Stokan Thompson 37 Troupe Williams 121

NOES: 123

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright
Bonner Bray Broach Burton Campbell
Champion Chrismer Cierpiot Copeland Crawford
Crump Davis 122 Dolan Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble McBride
McClelland McLuckie Miller Monaco Murphy
Naeger Nordwald Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear 83
Shields Skaggs Smith Steen Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wiggins
Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper Edwards-Pavia Hand Harlan Hickey
Kauffman Kreider Wannenmacher Wooten

VACANCY: 002

The Speaker resumed the Chair.

On motion of Representative Schilling, **HCS HCRs 3, 5, 6 and 7** was adopted by the following vote:

AYES: 122

Alter Backer Ballard Barnett 4 Barry 100
Bartelsmeyer Berkstresser Boatright Bonner Bray
Broach Burton Campbell Champion Chrismer
Cierpiot Crawford Crump Davis 122 Dolan
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Graham 24 Graham 106
Gratz Green Griesheimer Gross Harlan
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Naeger
Nordwald Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear 83 Shields
Skaggs Smith Steen Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Van Zandt Vogel Wiggins Williams 159
Wilson Mr. Speaker

NOES: 025

Auer Bauer Bland Boucher Carter
Daniel 42 Daniels 41 Davis 63 Days Donovan
Dougherty Ford Goward Gunn Hagan-Harrell
Hall May 108 Murray O'Connor O'Toole
Reynolds Sheldon 104 Shelton 57 Thompson 37 Troupe

PRESENT: 008

Akin Bennett 15 Clayton Copeland Gibbons
Heckemeyer Stokan Williams 121

ABSENT WITH LEAVE: 006

Cooper Edwards-Pavia Hand Kauffman Wannenmacher

Wooten

VACANCY: 002

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 303**, introduced by Representative Overschmidt, relating to the Missouri national guard.

**HB 304**, introduced by Representative Ransdall, et al, relating to interference with lawful hunting and trapping.

**HB 305**, introduced by Representative Shields, relating to certain expenditures of public funds.

**HB 306**, introduced by Representative Shields, relating to excursion gambling boat proceeds.

**HB 307**, introduced by Representative Shields, relating to sales taxes.

**HB 308**, introduced by Representative Shields, relating to criminal procedure.

**HB 309**, introduced by Representative Treadway, relating to the licensing and regulation of cosmetologists.

**HB 310**, introduced by Representative Treadway, relating to review organizations for professional physical therapists and physical therapist assistants.

**HB 311**, introduced by Representative Treadway, relating to the licensure and regulations of speech-language pathologists and clinical audiologists.

**HB 312**, introduced by Representative Bray, relating to human rights.

**HB 313**, introduced by Representative Foley, et al, relating to primary ambulance and medical services.

**HB 314**, introduced by Representatives Lograsso and Ross, relating to the public school retirement system.

**HB 315**, introduced by Representative Treadway, relating to dental hygienists.

**HB 316**, introduced by Representative Legan, et al, relating to jails and jailers.

**HB 317**, introduced by Representative Dougherty, relating to lead abatement.

**HB 318**, introduced by Representative Clayton, et al, relating to volunteer fire protection associations.

**HB 319**, introduced by Representative Fritts, et al, relating to certain incorporated and nonincorporated entities.

**HB 320**, introduced by Representatives Donovan and Bland, relating to a needle exchange program.

**HB 321**, introduced by Representatives Lograsso, Ross, Hall, Ostmann, Ridgeway and Richardson, relating to records of sexual offenders.

**HB 322**, introduced by Representative Franklin, relating to certain state retirement systems.

**HB 323**, introduced by Representative McLuckie, et al, relating to neighborhood assistance.

**HB 324**, introduced by Representative Scott, relating to sales taxation.

**HB 325**, introduced by Representative Thompson (37), relating to the department of corrections.

**HB 326**, introduced by Representative Thompson (37), relating to sales taxation.

**HB 327**, introduced by Representative McBride, relating to the department of conservation.

**HB 328**, introduced by Representative Dougherty, et al, relating to certain police departments.

**HB 329**, introduced by Representative Dougherty, et al, relating to indoor air quality.

**HB 330**, introduced by Representative Dougherty, et al, relating to the rights of mothers who are breast feeding

their infants.

**HB 331**, introduced by Representatives O'Toole and May (108), et al, relating to certain police retirement systems.

**HB 332**, introduced by Representative May (108), relating to motor vehicles.

**HOUSE OF REPRESENTATIVES**

**COMMITTEE ASSIGNMENTS**

**1997-98 SESSION**

**ACCOUNTS**

(VC) Bray, Joan

Days, Rita

Farmer, Nancy

Froelker, Jim

Gratz, Bill

Heckemeyer, Joe

Kelley, Pat

McLuckie, Steve

Richardson, Mark L.

Ross, Carson

Sallee, Mary Lou

Secrest, Pat

**(C)** Skaggs, Bill

Surface, Chuck

Van Zandt, Tim

Wiggins, Gary

**AG-BUSINESS**

Ballard, Charlie

Boatright, Matt

Davis, D.J.

**(VC)** Farnen, Ted

Fritts, Charlie

Gaston, Doug

Heckemeyer, Joe

Hohulin, Bubs

Howerton, Jim

Kreider, Jim

Lawson, Maurice

Legan, Ken

Parker, Kelly

Schwab, David

Seigfried, Jim

**(C)** Williams, Marilyn

**AGRICULTURE**

Barnett, Rex

Clayton, Robert

Crump, Wayne

Fitzwater, Rodger

Fritts, Charlie

Hartzler, Vicky

Hegeman, Dan

Graham, Jim

Gratz, Bill

**(C)** Leake, Sam

Overschmidt, Francis

Ransdall, Bill

Relford, Randall

Robirds, Estil

Patek, Jewell

Pryor, Chuck

Sallee, Mary Lou

Smith, Phillip

Steen. Don

Summers, Don

Tate, Phil

Thomason, Larry

Townley, Doc

**(VC)** Wiggins, Gary

**APPROPRIATIONS-EDUCATION & PUBLIC SAFETY**

Bennett, Jon

Burton, Gary

Days, Rita

Farnen, Ted

**(C)** Franklin, Dick

Fritts, Charlie

Grahm, Chuck

Hagan-Harrell, Mary

Harlan, Tim

Hollingsworth, Kate

Kauffman, Sandy

Leake, Sam

Levin, David

Linton, Bill

Luetkenhaus, Bill

Marble, Gary

Mays, Carol Jean

Murphy, Jim

Ostmann, Cindy

Purgason, Chuck

Secrest, Pat

**(VC)** Shear, Sue

Summers, Don

Williams, Deleta

**APPROPRIATIONS - GENERAL ADMIN. & TRANSPORTATION**

Auer, Ron

**(VC)** Bray, Joan

Campbell, Marsha

Cierpiot, Connie

Copeland, Gene

Gratz, Bill

**(C)** Green, Tim

Gross, Chuck

Hartzler, Ed

Legan, Ken

Liese, Chris

Monaco, Ralph

Pouche, Fred

Shelton, O.L.

Seigfried, Jim

Vogel, Carl

Wannenmacher, Phil

Wooten, Chuck

**APPROPRIATIONS - HEALTH & MENTAL HEALTH**

Bland, Mary

**(C)** Carter, Paula

Champion, Norma

Donovan, Laurie

Enz, Cathy

Gaston, Doug

Lawson, Maurice

Miller, Ronnie

Naeger, Pat

Parker, Kelly

Reynolds, Dave

Sallee, Mary Lou

**(VC)** Schilling, Mike

Shields, Charlie

Skaggs, Bill

Stroker, Carol

Van Zandt, Tim

Wilson, Vicky

**APPROPRIATIONS - NATURAL & ECONOMIC RESOURCES**

Ballard, Charlie

Bartelsmeyer, Linda

Boatright, Matt

Clayton, Robert

Cooper, Bonnie Sue

Daniel, Loyd

Daniels, Fletcher

Foster, Bill

Gaskill, Sam

Graham, Jim

Griesheimer, John

Hegeman, Dan

Heckemeyer, Joe

Kisell, Don

McBride, Jerry

McClelland, Emmy

O'Toole, James

**(VC)** Scheve, May

Steen, Don

Stoll, Steve

**(C)** Tate, Phil

Thompson, Vernon

Townley, Doc

Wiggins, Gary

Williams, Marilyn

Williams Deleta

**APPROPRIATIONS - SOCIAL SERVICES & CORRECTIONS**

Bauer, Tom

Boucher, Bill

Chrismer, Rich

Crawford, Larry

Davis, Dorathea

Dougherty, Pat

Evans, Brent

Foley, Jim

Ford, Louis

Gibbons, Mike

Gunn, Russell

Hall, Glenn

Hartzler, Vicky

Holand, Roy

Kasten, Mary

Kelley, Pat

Kelly, Glenda

**(C)** Lakin, Scott

Murray, Dana

Norwald, Charlie

Reinhart, Annie

Rizzo, Henry

Stokan, Lana

**(VC)** Troupe, Quincy

**BANKS & FINANCIAL INSTITUTIONS**

**Backer, Gracia**

**Broach, David**

**Burton, Gary**

**Carter, Paula**

**Cooper, Bonnie Sue**

**(C) Copeland, Gene**

**Elliott, Mark**

**Ford, Louis**

Franklin, Dick

Fritts, Charlie

Goward, Russell

Graham, Jim

Green, Tim

Hand, Bill

Hartzler, Ed

Hohulin, Bubs

Howerton, Jim

Koller, Don

(VC) Liese, Chris

Long, Beth

Murphy, Jim

O'Connor, Pat

Skaggs, Bill

Surface, Chuck

Treadway, Joe

Troupe, Quincy

Wannenmacher, Phil

Williams, Marilyn

BUDGET

Bray, Joan

Burton, Gary

Carter, Paula

Cooper, Bonnie Sue

Donovan, Laurie

Farmer, Nancy

Franklin, Dick

Graham, Jim

Green, Tim

Kasten, Mary

Kauffman, Sandy

Kelley, Pat

Lakin, Scott

Leake, Sam

Legan, Ken

Linton, Bill

(C) Lumpe, Sheila

McClelland, Emmy

Scheve, May

Schilling, Mike

Shear, Sue

Shelton, O.L.

Shields, Charlie

Tate, Phil

Thompson, Vernon

Troupe, Quincy

Van Zandt, Tim

Vogel, Carl

Wannenmacher, Phil

(VC) Williams, Deleta

Wooten, Chuck

CHILDREN, YOUTH & FAMILIES

(VC) Boucher, Bill

Champion, Norma

Cierpiot, Connie

Days, Rita

Donovan, Laurie

(C) Dougherty, Pat

Franklin, Dick

Hartzler, Vicky

Hollingsworth, Kate

Kasten, Mary

Parker, Kelly

Purgason, Chuck

Sallee, Mary Lou

Shear, Sue

Stroker, Carol

Wilson, Vicky

CIVIL LAW

Akin, Todd

Barry, Joan

Bauer, Tom

Broach, David

Davis, D.J.

(VC) Davis, Dorathea

Gibbons, Mike

Hendrickson Carl

Hosmer, Craig

Hoppe, Tom

Monaco, Ralph

Parker, Kelly

Patek, Jewell

Ridgeway, Luann

(C) Smith, Phillip

Townley, Doc

COMMERCE

Boatright, Matt

(VC) Bonner, Dennis

Broach, David

Cooper, Bonnie Sue

Gaskill, Sam

Gratz, Bill

Hoppe, Tom

Kauffman, Sandy

Kelly, Glenda

Kennedy, Harry

Lakin, Scott

Marble, Gary

Mays, Carol Jean

Pavia, Marilyn Edwards

Pouche, Fred

Pryor, Chuck

(C) Rizzo, Henry

Sallee, Mary Lou

Scheve, May

Shelton, O.L.

Tate, Phil

Thompson, Vernon

Seigfried, Jim

Vogel, Carl

CONSUMER PROTECTION

Alter, Bill

Berkstresser, Judy

Davis, D.J.

Donovan, Laurie

Dougherty, Pat

Gaskill, Sam

Grahm, Chuck

Harlan, Tim

(VC) Kissell, Don

Levin, David

(C) McLuckie, Steve

Ostmann, Cindy

Thompson, Vernon

Van Zandt, Tim

Vogel, Carl

Wiggins, Gary

CORRECTIONAL & STATE INSTITUTIONS

Ballard, Charlie

Bland, Mary

Cierpiot, Connie

Crawford, Larry

(C) Crump, Wayne

Daniels, Fletcher

Dolan, Jon

(VC) Gratz, Bill

Hosmer, Craig

Lawson, Maurice

Norwald, Charlie

Overschmidt, Francis

Parker, Kelly

Relford, Randall

Robirds, Estil

Townley, Doc

CRIMINAL LAW

Alter, Bill

Barnett, Rex

Bennett, Jon

Campbell, Marsha

(VC) Clayton, Robert

Daniels, Fletcher

Dolan, Jon

Gibbons, Mike

Hall, Glenn

(C) Hosmer, Craig

Lawson, Maurice

Parker, Kelly

Ridgeway, Luann

Schilling, Mike

Fitzwater, Roger

Johnson, Rocky

CRITICAL ISSUES

Elliott, Mark

Fitzwater, Rodger

Foley, Jim

Griesheimer, John

Gunn, Russell

(C) Harlan, Tim

Kelley, Pat

(VC) Kelly, Glenda

Lakin, Scott

McLuckie, Steve

Naeger, Pat

Ostmann, Cindy

Reinhart, Annie

Scott, Delbert

Shear, Sue

Steen, Don

Stokan, Lana

Townley, Doc

Troupe, Quincy

Williams, Deleta

EDUCATION - ELEMENTARY & SECONDARY

Barry, Joan

Bartelsmeyer, Linda

Berkstresser, Judy

Cierpiot, Connie

Davis, D.J.

Days, Rita

(VC) Fitzwater, Rodger

Franklin, Dick

Hagan-Harrell, Mary

Hartzler, Vicky

Heckemeyer, Joe

Holand, Roy

Kelly, Glenda

Kreider, Jim

Levin, David

McClelland, Emmy

McLuckie, Steve

Miller, Ronnie

Lawson, Maurice

Patek, Jewell

Relford, Randall

Secrest, Pat

Shields, Charlie

(C) Stoll, Steve

EDUCATION - HIGHER

Barnett, Rex

Bennett, Jon

Bland, Mary

Campbell, Marsha

Champion, Norma

Davis, Dorathea

(VC) Farnen, Ted

Gross, Chuck

Hagan-Harrell, Mary

Hosmer, Craig

Kasten, Mary

Linton, Bill

Schilling, Mike

(C) Scheve, May

Secrest, Pat

Shear, Sue

Shields, Charlie

Summers, Don

Williams, Deleta

Wilson, Vicky

ELECTIONS

Alter, Bill

Backer, Gracia

Bartelsmeyer, Linda

(C) Days, Rita

Enz, Cathy

Evans, Brent

Farnen, Ted

(VC) Fitzwater, Rodger

Bauer, Tom

Hendrickson, Carl

Kauffman, Sandy

Long, Beth

Lumpe, Sheila

Scheve, May

Seigfried, Jim

Shelton, O.L.

ENERGY & ENVIRONMENT

Akin, Todd

Bray, Joan

Crawford, Larry

Dougherty, Pat

Griesheimer, John

Gunn, Russell

(VC) Heckemeyer, Joe

Hohulin, Bubs

Howerton, Jim

Kreider, Jim

Lawson, Maurice

Linton, Bill

Luetkenhaus, Bill

Marble, Gary

McLuckie, Steve

Pavia, Marilyn Edwards

Ransdall, Bill

Ridgeway, Luann

Schilling, Mike

(C) Wiggins, Gary

ETHICS

Alter, Bill

Chrismer, Rich

(C) Clayton, Robert

(VC) Days, Rita

Harlan, Tim

Kasten, Mary

Lograsso, Don

May, Brian

Ostmann, Cindy

Shear, Sue

FEDERAL/STATE RELATIONS & VETERANS AFFAIRS

(C) Boucher, Bill

Dolan, Jon

Fitzwater, Rodger

Hand, Bill

Hartzler, Ed

Johnson, Rocky

Ransdall, Bill

(VC) Reynolds, Dave

Pouche, Fred

Sheldon, Norm

Surface, Chuck

GOVERNMENTAL ORGANIZATION & REVIEW

Boatright, Matt

Cierpiot, Connie

Enz, Cathy

(C) Goward, Russell

Hartzler, Ed

Hendrickson, Carl

Hickey, John

(VC) Hoppe, Tom

Lumpe, Sheila

Ransdall, Bill

Williams, Marilyn

INSURANCE

(C) Auer, Ron

Burton, Gary

Elliott, Mark

Goward, Russell

Green, Tim

(VC) Gunn, Russell

Hartzler, Ed

Liese, Chris

Linton, Bill

Luetkenhaus, Bill

Monaco, Ralph

Murphy, Jim

Reinhart, Annie

Sheldon, Norm

Surface, Chuck

Treadway, Joe

JUDICIARY

Clayton, Robert

Carter, Paula

Gaston, Doug

(VC) Harlan, Tim

Hollingsworth, Kate

Hosmer, Craig

Lograsso, Don

(C) May, Brian

Monaco, Ralph

Parker, Kelly

Patek, Jewell

Pryor, Chuck

Richardson, Mark

Ridgeway, Luann

Smith, Phillip

Summers, Don

LABOR

Auer, Ron

Ballard, Charlie

Barnett, Rex

Bennett, Jon

Boatright, Matt

Champion, Norma

Davis, Dorathea

Foley, Jim

Ford, Louis

Foster, Bill

Gaston, Doug

Green, Tim

(C) Hickey, John

Holand, Roy

Johnson, Rocky

Kennedy, Harry

Loudon, John

May, Brian

McLuckie, Steve

Murphy, Jim

(VC) Murray, Dana

O'Connor, Pat

Reynolds, Dave

Robirds, Estil

Secrest, Pat

Stoll, Steve

LOCAL GOVERNMENT & RELATED MATTERS

Bartelsmeyer, Linda

Berkstresser, Judy

Bonner, Dennis

Copeland, Gene

Dolan, Jon

Foley, Jim

Griesheimer, John

(C) Hoppe, Tom

Lakin, Scott

Marble, Gary

Murray, Dana

Overschmidt, Francis

Pavia, Marilyn Edwards

(VC) Reynolds, Dave

Rizzo, Henry

Robirds, Estil

Ross Carson

Seigfried, Jim

MISCELLANEOUS BILLS & RESOLUTIONS

Bennett, Jon

Bonner, Dennis

Davis, Dorathea

(C) Foley, Jim

Froelker, Jim

Grahm, Chuck

(VC) Gratz, Bill

Hand, Bill

Hoppe, Tom

Kissell, Don

Luetkenhaus, Bill

Murphy, Jim

Naeger, Pat

Norwald, Charlie

Sallee, Mary Lou

Thomason, Larry

MOTOR VEHICLE & TRAFFIC REGULATIONS

Backer, Gracia

Barnett, Rex

Fritts, Charlie

Froelker, Jim

Goward, Russell

Johnson, Rocky

(VC) Koller, Don

Legan, Ken

Norwald, Charlie

Pouche, Fred

Ross, Carson

Schwab, David

(C) Sheldon, Norm

Thomason, Larry

Treadway, Joe

Williams, Marilyn

MUNICIPAL CORPORATIONS

Akin, Todd

Bauer, Tom

Carter, Paula

Donovan, Laurie

Enz, Cathy

Evans, Brent

Farmer, Nancy

Gross, Chuck

Gunn, Russell

Hendrickson, Carl

Kennedy, Harry

Levin, David

Loudon, Jon

May, Brian

McClelland, Emmy

(VC) O'Toole, Jim

Scheve, May

(C) Shelton, O.L.

Stroker, Carol

Troupe, Quincy

PROFESSIONAL REGISTRATION & LICENSING

Barry, Joan

Chrismer, Rich

Copeland, Gene

Foley, Jim

Hegeman, Dan

Holand, Roy

Loudon, John

Koller, Don

McBride, Jerry

Norwald, Charlie

(VC) O'Connor, Pat

Pouche, Fred

Reynolds, Dave

Schwab, David

Stoll, Steve

(C) Treadway, Joe

PUBLIC HEALTH & SAFETY

Barry, Joan

(C) Bland, Mary

Boucher, Bill

Enz, Cathy

Evans, Brent

Ford, Louis

Hartzler, Vicky

Howerton, Jim

Kissell, Don

Kennedy, Harry

O'Connor, Pat

Pavia, Marilyn Edwards

Ross, Carson

Steen, Don

(VC) Stokan, Lana

Stroker, Carol

RETIREMENT

Auer, Ron

Davis, D.J.

Elliott, Mark

Foster, Bill

(C) Hagan-Harrell, Mary

(VC) O'Toole, Jim

Schwab, David

Skaggs, Bill

Wooten, Chuck

RULES

(C) Backer, Gracia

(VC) Crump, Wayne

Days, Rita

Harlan, Tim

Hickey, John

Kelley, Pat

Kreider, Jim

Lograsso, Don

Legan, Ken

Long, Beth

May, Brian

McClelland, Emmy

Scheve, May

Shields, Charlie

SOCIAL SERVICES

Bartelsmeyer, Linda

Chrismer, Rich

Daniel, Loyd

Fritts, Charlie

Graham, Chuck

(C) Gunn, Russell

Hall, Glen

Holand, Roy

Hollingsworth, Kate

Monaco, Ralph

Naeger, Pat

Purgason, Chuck

Reinhart, Annie

(VC) Stokan, Lana

Troupe, Quincy

Williams, Deleta

STATE PARKS, NATURAL RESOURCES & MINING

Ballard, Charlie

Bonner, Dennis

Crump, Wayne

Foster, Bill

Froelker, Jim

Johnson, Rocky

Kissell, Don

Long Beth

(C) McBride, Jerry

Miller, Ronnie

(VC) Murray, Dana

Ostmann, Cindy

Purgason, Chuck

Ransdall, Bill

Kreider, Jim

Rizzo, Henry

TOURISM, RECREATION & CULTURAL AFFAIRS

Bartelsmeyer, Linda

Berkstresser, Judy

Bland, Mary

Champion, Norma

Crump, Wayne

(VC) Daniel, Loyd

Franklin, Dick

Grahm, Chuck

Gross, Chuck

Howerton, Jim

Koller, Don

Leake, Sam

Long, Beth

McBride, Jerry

(C) Overschmidt, Francis

Pryor, Chuck

Robirds, Estil

Scott, Delbert

Shelton, O.L.

Stroker, Carol

TRANSPORTATION

Auer, Ron

Bennett, Jon

Berkstresser, Judy

(VC) Bray, Joan

Broach, David

Gaskill, Sam

Grahm, Chuck

Hollingsworth, Kate

(C) Koller, Don

Lakin, Scott

Mays, Carol Jean

Ostmann, Cindy

Patek, Jewell

Pavia, Marilyn Edwards

Schwab, David

Scott, Delbert

Seigfried, Jim

Thomason, Larry

Thompson, Vernon

Wannenmacher, Phil

Wilson, Vicky

Leake, Sam

URBAN AFFAIRS

Campbell, Marsha

Cierpiot, Connie

Hall, Glen

Hartzler, Ed

Lakin, Scott

Pouche, Fred

Reinhart, Annie

Rizzo, Henry

Skaggs, Bill

(C) Thompson, Vernon

(VC) Van Zandt, Tim

UTILITIES

Burton, Gary

Crawford, Larry

Evans, Brent

Gross, Chuck

(VC) Goward, Russell

Hegeman, Dan

Hohulin, Bubs

Leake, Sam

Lumpe, Sheila

(C) Mays, Carol Jean

Miller, Ronnie

O'Toole, Jim

Sheldon, Norm

Smith, Phil

Tate, Phil

Treadway, Joe

WAYS & MEANS

Akin, Todd

Bray, Joan

Campbell, Marsha

Daniel, Loyd

(C) Farmer, Nancy

Froelker, Jim

Gaston, Doug

Gibbons, Mike

Hegeman, Dan

Hohulin, Bubs

Lograsso, Don

Lumpe, Sheila

Mays, Carol Jean

McBride, Jerry

Murray, Dana

Scheve, May

Schillling, Mike

Scott, Delbert

Steen, Don

(VC) Van Zandt, Tim

Vogel, Carl

Wilson, Vicky

Stokan. Lana

WORKERS COMPENSATION

Bauer, Tom

Davis, Dorathea

Foster, Bill

Green, Tim

Hagan-Harrell, Mary

Hickey, John

Louden, John

(C) Luetkenhaus, Bill

May, Brian

(VC) O'Connor, Pat

Pryor, Chuck

Purgason, Chuck

Reynolds, David

Secrest, Pat

Summers, Don

Wannenmacher, Phil

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Clayton, Robert

Hall, Glen

(C) Kelly, Glenda

Ridgeway, Luann

Stoll, Steve

JOINT COMMITTEE ON CAPITOL IMPROVEMENTS

Carter, Paula

Cooper, Bonnie Sue

(C) Ford, Louis

Kauffman, Sandy

Tate, Phil

JOINT COMMITTEE ON CORRECTIONAL INSTITUTIONS & PROBLEMS

Dolan, Jon

(C) Farnen, Ted

Graham, Jim

Marble, Gary

Tate, Phil

Shelton, O.L.

JOINT COMMITTEE ON ECONOMIC DEVELOPMENT, POLICY & PLANNING

Bonner, Dennis

(C) Liese, Chris

Gaston, Doug

Richardson, Mark L.

Wiggins, Gary

JOINT COMMITTEE ON HEALTH CARE, POLICY & PLANNING

Bland, Mary

Naeger, Pat,

Shields, Charlie

Stokan, Lana

(C) Shear, Sue

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Akin, Todd

Clayton, Robert

Farmer, Nancy

Hand, Bill

Legan, Ken

Lumpe, Sheila

Relford, Randall

Scott, Delbert

(C) Thomason, Larry

Van Zandt, Tim

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Cooper, Bonnie Sue

Elliott, Mark

Hagan-Harrell, Mary

(C) O'Toole, Jim

Skaggs, Bill

Wooten, Chuck

JOINT COMMITTEE ON WETLANDS

(C) Williams, Deleta

Heckemeyer, Joe

Hegeman, Dan

Richardson, Mark

Wiggins, Gary

WITHDRAWAL OF HOUSE BILL

January 15, 1997

Ms. Anne Walker

Chief Clerk, House of Representatives

State of Missouri

State Capitol

Jefferson City, MO 65101

**Dear Anne:**

**I respectfully request you to withdraw my House Bill number 270, pertaining to domestic relations.**

**Thank you for your attention to my request.**

**Respectfully submitted,**

**/s/ Cindy Ostmann**

**State Representative**

**District 14**

**Representative O'Toole assumed the Chair.**

**ADJOURNMENT**

**On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, January 20, 1997.**

**HOUSE CALENDAR**

**EIGHTH DAY, MONDAY, JANUARY 20, 1997**

**HOUSE BILLS FOR SECOND READING**

**HB 303 through HB 332**

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# House Journal

## First Regular Session, 89th General Assembly

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EIGHTH DAY, Monday, January 20, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"God formed the (human) of dust... and breathed into his nostrils the breath of life". (Gen. 2:7)

Today we join in spirit in the Inauguration of the President. We also honor the memory of Martin Luther, Jr.

Our Bible verse today comes from the Book of Genesis, whose opening chapters are foundational to our civilization; its basic ideas are shared by all the thoughtful women and men of all major religious traditions around the world.

We pray, gracious Love, for a spirit of humility, which allows us to admit that we are but made of clay, material, finite, prone to nothingness, "pots of clay" in the Christian apostle Paul's phrase. We are also called to a higher dignity, made in your image O God, destined to rise above our weakness and to be noble. We praise you today for giving us noble leaders who have gone before us to give us the Constitution and system of government which allowed the 35 words of the oath of Office to be recited only five hours ago on the Capitol steps in Washington, D. C., for the swearing in of the President. We thank you, Lord, for giving us prophets like Dr. King who called us to see how far short of those noble words we had fallen.

Today, we pray that we hold the two truths in balance - our weakness, our sinfulness, and also the grace and the calling which lifts us above to do better, to bring justice, to turn words into plowshares. May we press ahead and be about the unfinished business of ennobling all of our citizens. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventh day was approved as corrected by the following vote:

AYES: 143

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray
Broach Burton Campbell Champion Chrismer
Cierpiot Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
Dolan Donovan Dougherty Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Hand Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Rizzo Robirds Ross Sallee Schilling
Schwab Scott Secrest Seigfreid Shear 83
Sheldon 104 Skaggs Steen Stoll Stroker
Summers Surface Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Wilson Wooten

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Backer Carter Clayton Edwards-Pavia Goward
Harlan Hoppe Lakin Ridgeway Scheve
Shelton 57 Shields Smith Stokan Tate
Thompson 37 Williams 159 Mr. Speaker

VACANCY: 002

**HOUSE RESOLUTIONS**

Representative Gaw offered House Resolution No. 56, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bland, et al offered House Resolution No. 57, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 58, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Goward offered House Resolution No. 59, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution No. 60, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Scheve and Enz offered House Resolution No. 61, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 62, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 63, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 64, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SPECIAL REMARKS BY**

**REPRESENTATIVE DANIEL**

**FOR**

**MARTIN LUTHER KING JR.'S HOLIDAY**

"As long as machines, computers, profit motives and property rights are considered more important than people, the giant triple evils of racism, militarism and economic exploitation are incapable of being conquered"

Dr. Martin Luther King, Jr., 1968

Read what he said. Don't let them tell you who Dr. King was. If you let them tell you who he was, you might not like him either. Let him be who he was. And if you don't want that, if you don't believe that, get another hero. But don't try to put words in his mouth. If he had been moderate and corny, he'd be alive, giving us moderate and corny advice. He's a man who gave his life for democratic struggle, for respect of people no matter what kind of money they have and for peace. But just as importantly, he gave his life for justice and the struggle for justice. No justice, no peace.

by Rep. Lloyd Daniel, taken from his book

"Liberation Education"

**SECOND READING OF HOUSE BILLS**

**HB 303** through **HB 332** were read the second time.

**REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 8** through **HR 55** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 1** - Criminal Law

**HJR 2** - Education - Elementary and Secondary

**HJR 3** - Budget

**HJR 4** - Elections

**HJR 5** - Elections

**HJR 6** - Ways and Means

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 26** - Judiciary

**HB 27** - Criminal Law

**HB 28** - Ways and Means

**HB 29** - Critical Issues

**HB 30** - Critical Issues

**HB 31** - Local Government and Related Matters

**HB 32** - Public Health and Safety

**HB 33** - Judiciary

**HB 34** - Children, Youth and Families

**HB 35** - Education - Higher

**HB 36** - Ways and Means

**HB 37** - Criminal Law

**HB 39** - Education - Higher

**HB 40** - Education - Higher

**HB 41** - Local Government and Related Matters

**HB 42** - Transportation

**HB 43** - Labor

**HB 44** - Criminal Law

**HB 45** - Criminal Law

**HB 46** - Education - Higher

**HB 47** - Public Health and Safety

**HB 48** - Commerce

**HB 49** - Commerce

**HB 50** - Agriculture

**HB 51** - Tourism, Recreation and Cultural Affairs

**HB 52** - Insurance

**HB 53** - Critical Issues

**HB 56** - Governmental Organization and Review

**HB 57** - Children, Youth and Families

**HB 58** - Civil and Administrative Law

**HB 59** - Judiciary

**HB 60** - Civil and Administrative Law

**HB 62** - Urban Affairs

**HB 63** - Local Government and Related Matters

**HB 64** - Ways and Means

**HB 65** - Criminal Law

**HB 66** - Banks and Financial Institutions

**HB 67** - Ways and Means

**HB 68** - Consumer Protection

**HB 69** - Criminal Law

**HB 70** - Civil and Administrative Law

**HB 72** - Public Health and Safety

**HB 73** - Motor Vehicle and Traffic Regulations

**HB 74** - Critical Issues

**HB 75** - Insurance

**HB 76** - Critical Issues

**HB 77** - Education - Elementary and Secondary

**HB 78** - Education - Elementary and Secondary

**HB 79** - Ways and Means

**HB 80** - Civil and Administrative Law

**HB 81** - Ways and Means

**HB 82** - Consumer Protection

**HB 83** - Judiciary

**HB 84** - Education - Elementary and Secondary

**HB 85** - Utilities Regulation

**HB 86** - Ways and Means

**HB 87** - Consumer Protection

**HB 88** - Civil and Administrative Law

**HB 89** - Civil and Administrative Law

**HB 90** - Budget

**HB 91** - Criminal Law

**HB 92** - Workers' Compensation and Employment Security

**HB 93** - Transportation

**HB 94** - Transportation

**HB 95** - Criminal Law

**HB 96** - Judiciary

**HB 97** - Local Government and Related Matters

**HB 99** - Local Government and Related Matters

**HB 100** - Civil and Administrative Law

**HB 102** - Consumer Protection

**HB 103** - Ways and Means

**HB 104** - Criminal Law

**HB 105** - Education - Elementary and Secondary

**HB 106** - Public Health and Safety

**HB 107** - Governmental Organization and Review

**HB 108** - Education - Elementary and Secondary

**HB 109** - Motor Vehicle and Traffic Regulations

**HB 110** - Budget

**HB 111** - Critical Issues

**HB 112** - Local Government and Related Matters

**HB 113** - Civil and Administrative Law

**HB 114** - Urban Affairs

**HB 116** - Federal-State Relations and Veterans Affairs

**HB 117** - Education - Elementary and Secondary

**HB 118** - Criminal Law

**HB 119** - Criminal Law

**HB 120** - Local Government and Related Matters

**HB 121** - Criminal Law

**HB 122** - Criminal Law

**HB 123** - Motor Vehicle and Traffic Regulations

**HB 124** - Motor Vehicle and Traffic Regulations

**HB 125** - Local Government and Related Matters

**HB 126** - Children, Youth and Families

**HB 127** - Elections

**HB 128** - Insurance

**HB 129** - Public Health and Safety

**HB 130** - Public Health and Safety

**HB 131** - Commerce

**HB 132** - Criminal Law

**HB 133** - Education - Elementary and Secondary

**HB 134** - Transportation

**HB 135** - Environment and Energy

**HB 136** - Motor Vehicle and Traffic Regulations

**HB 137** - Federal-State Relations and Veterans Affairs

**HB 138** - Professional Registration and Licensing

**HB 139** - Critical Issues

**HB 140** - Local Government and Related Matters

**HB 141** - Civil and Administrative Law

**HB 142** - Ways and Means

**HB 143** - Ways and Means

**HB 144** - Governmental Organization and Review

**HB 145** - Social Services, Medicaid and the Elderly

**HB 146** - Ways and Means

**HB 147** - Education - Elementary and Secondary

**HB 148** - Judiciary

**HB 149** - Criminal Law

**HB 150** - Correctional and State Institutions

**HB 151** - Environment and Energy

**HB 153** - Public Health and Safety

**HB 155** - Ways and Means

**HB 156** - Insurance

**HB 157** - Ways and Means

**HB 158** - Criminal Law

**HB 159** - Local Government and Related Matters

**HB 160** - Insurance

**HB 161** - Ways and Means

**HB 162** - Transportation

**HB 163** - Judiciary

**HB 164** - Criminal Law

**HB 165** - Motor Vehicle and Traffic Regulations

**HB 166** - Criminal law

**HB 167** - Professional Registration and Licensing

**HB 168** - Professional Registration and Licensing

**HB 169** - Retirement

**HB 170** - Ways and Means

**HB 171** - Ways and Means

**HB 172** - Elections

**HB 173** - Local Government and Related Matters

**HB 174** - Social Services, Medicaid and the Elderly

**HB 175** - Insurance

**HB 176** - Professional Registration and Licensing

**HB 177** - Education - Elementary and Secondary

**HB 178** - Ways and Means

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 10**, introduced by Representative Hendrickson, et al, relating to taxation.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 333**, introduced by Representatives Ostmann and Smith, et al, relating to termination of parental rights.

**HB 334**, introduced by Representative Van Zandt, et al, relating to tenant evictions.

**HB 335**, introduced by Representatives Harlan, Foley, Bland, Griesheimer and Pryor, et al, relating to managed care organizations.

**HB 336**, introduced by Representative Green, relating to construction indemnification agreements.

**HB 337**, introduced by Representative Kreider, relating to civil air patrol members who are state employees.

**HB 338**, introduced by Representatives Gunn and McLuckie, et al, relating to certain telecommunications services.

**HB 339**, introduced by Representative Kreider, et al, relating to witnesses.

**HB 340**, introduced by Representative Pouche, relating to sewer districts.

**HB 341**, introduced by Representative Lumpe, et al, relating to the valuation and taxation of certain property.

**HB 342**, introduced by Representative Lumpe, relating to federal reimbursement allowance.

**HB 343**, introduced by Representative Kelly (27), et al, relating to adoption.

**HB 344**, introduced by Representative Hendrickson, et al, relating to the gaming proceeds for education fund.

**HB 345**, introduced by Representative Hendrickson, relating to gubernatorial appointments.

**WITHDRAWAL OF HOUSE BILLS**

January 16, 1997

Ms. Anne Walker

Chief Clerk, House of Representatives

State Capitol Building

Jefferson City, MO 65101

Dear Anne:

I respectfully request you to withdraw my House Bill number 299, pertaining to domestic relations.

Thank you for your attention to my request.

Respectfully submitted,

/s/ Cindy Ostmann

State Representative

District 14

January 8, 1997

The Honorable Steve Gaw

Room 308 State Capitol

Jefferson City, Mo. 65101

Dear Speaker Gaw:

I respectfully request that HB 38 be withdrawn.

Respectfully submitted,

/s/ W. Craig Hosmer

State Representative

District 138

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, January 21, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Seventh Day, January 16, 1997, pages 123 and 124, roll call, by showing Representatives Boatright, Edwards-Pavia, Kelly (27), Murphy, Evans, Koller, Burton, Kreider, Purgason, Champion, Secrest, McClelland and Surface, voting "present" rather than "absent with leave".

Pages 133 and 134, roll call, by showing Representatives Hickey and Kreider voting "no" rather than "absent with leave".

Pages 137, 143, 149 and 153, by deleting the name "Grahm" and inserting in lieu thereof the name "Graham".

**HOUSE CALENDAR**

NINTH DAY, TUESDAY, JANUARY 21, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 10

**HOUSE BILLS FOR SECOND READING**

HB 333 through HB 345

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# House Journal

## First Regular Session, 89th General Assembly

NINTH DAY, Tuesday, January 21, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Have unity of spirit, sympathy, love for one another, a tender heart, a humble mind." (I Peter 3:8)

"Rather than make more heat, you make less house." This piece of wisdom comes from the 1997 Old Farmer's Almanac. While it applies literally to saving fuel in the home during the month of January, I want it to be a prayer for this month.

Gracious God, we are faced on all sides with cuts, threats of cuts; "downsizing" has become a common word, popular if it is not applying to my sacred cows-my job, my program, our party's special interests. We are charged in this House with being good stewards, of being managers of the limited resources of our citizens. Give us wisdom, Lord God, to know that if we shut off a room to save fuel, we may have left some of our fellow-citizens to die in the cold, while others suffocate with too much heat, more than enough for reasonable needs. Give us tender hearts for humble services. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eighth day was approved as printed by the following vote:

AYES: 148

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray

Broach Burton Campbell Champion Chrismer

Cierpiot Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hand

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Rizzo Robirds

Ross Sallee Schilling Schwab Scott

Secrest Seigfreid Shear 83 Sheldon 104 Shields

Skaggs Steen Stoll Stroker Summers

Surface Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Backer Carter Clayton Harlan Lakin

Ridgeway Scheve Shelton 57 Smith Stokan

Tate Thompson 37 Mr. Speaker

VACANCY: 002

**RESOLUTIONS**

Representative Ross offered House Resolution Nos. 65 through 67, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McBride offered House Resolution No. 68, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hosmer offered House Resolution No. 69.

Representative Scott offered House Resolution No. 70, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 71, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 72, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 10** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 333** through **HB 345** were read the second time.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 346**, introduced by Representative Farmer, relating to certain tax refunds.

**HB 347**, introduced by Representatives Farmer and Van Zandt, relating to corporations.

**HB 348**, introduced by Representatives Farmer and Van Zandt, relating to Missouri corporation franchise tax.

**HB 349**, introduced by Representative Farmer, et al, relating to the regulation of outdoor advertising.

**HB 350**, introduced by Representatives Bray and Harlan, et al, relating to environmental protection.

**HB 351**, introduced by Representative Auer, relating to certain insurance coverage.

**HB 352**, introduced by Representative Koller, relating to certain applicants for a driver's license.

**HB 353**, introduced by Representative Elliott, relating to insurance contracts.

**HB 354**, introduced by Representative Murray, et al, relating to municipal fire departments.

**HB 355**, introduced by Representative Kelly (27), et al, relating to the regulation of the practice of medical nutrition therapy.

**HB 356**, introduced by Representative Skaggs, et al, relating to retirement of state officers and employees.

**HB 357**, introduced by Representative O'Toole, relating to certain governmental records.

**HB 358**, introduced by Representatives Auer and Froelker, relating to environmental control.

**HB 359**, introduced by Representative Relford, et al, relating to mandatory school attendance.

**HB 360**, introduced by Representative Bland, relating to public health.

**HB 361**, introduced by Representative May (108), et al, relating to certain landlord-tenant actions.

**HB 362**, introduced by Representatives May (108), Hosmer and O'Toole, relating to criminal responsibility.

**HB 363**, introduced by Representative Thomason (163), relating to neighborhood improvement districts.

**HB 364**, introduced by Representatives Rizzo and May (108), relating to pawnbrokers.

The following member's presence was noted: Shelton (57).

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, January 22, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Seventh Day, Thursday, January 16, 1997, page 136, line 11, by deleting the committee name, "Accounts", and inserting in lieu thereof the committee name, "Accounts, Operations and Finance", and line 28, by deleting the committee name, "Ag-Business", and inserting in lieu thereof the committee name, "Agri-Business".

Page 138, line 11, by deleting the committee name, "Appropriations-General Admin. & Transportation", and inserting in lieu thereof the committee name, "Appropriations-General Administration".

Page 142, line 7, by deleting the committee name, "Civil Law", and inserting in lieu thereof the committee name, "Civil and Administrative Law".

Page 146, line 13, by deleting the committee name, "Energy & Environment", and inserting in lieu thereof the committee name, "Environment and Energy".

Page 147, line 2, by deleting the committee name, "Federal/State Relations & Veterans Affairs", and inserting in lieu thereof the committee name, " "Federal-State Relations and Veterans Affairs".

Page 151, line 34, by deleting the committee name, "Rules", and inserting in lieu thereof the committee name, "Rules, Joint Rules and Bills Perfected and Printed".

Page 152, line 7, by deleting the committee name, "Social Services", and inserting in lieu thereof the committee name, "Social Services, Medicaid and the Elderly".

Page 154, line 14, by deleting the committee name, "Utilities", and inserting in lieu thereof the committee name, "Utilities Regulation".

Page 155, line 12, by deleting the committee name, "Workers Compensation", and inserting in lieu thereof the committee name, "Workers Compensation and Employment Security".

**HOUSE CALENDAR**

TENTH DAY, WEDNESDAY, JANUARY 22, 1997

**HOUSE BILLS FOR SECOND READING**

HB 346 through HB 364

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# House Journal

## First Regular Session, 89th General Assembly

TENTH DAY, Wednesday, January 22, 1997

Speaker Gaw in the Chair.

Prayer by Representative Relford.

Behold, how good and how pleasant it is for brethren to dwell together in unity.

What a wonderful word "UNITY" - one that is often spoken but not often put into practice. Allow this body to listen to the people that we represent. Understand their problems and act wisely.

Open our minds that we might go from this place each day with a feeling of respect, if not agreement for our fellow legislators.

Bless this nation and state; the leaders, especially our Governor who will address us. Give us the wisdom to listen and agree or disagree but do so in a way that will honor us all.

In the name of God our Creator, we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Joshua Harlow and Austin Harlow.

The Journal of the ninth day was approved as printed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hand Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear 83 Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Hohulin Loudon Nordwald Treadway

VACANCIES: 002

**RESOLUTIONS**

Representative Thomason (163) offered House Resolution No. 73, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bray offered House Resolution No. 74, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Akin offered House Resolution No. 75, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Surface offered House Resolution No. 76, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gross, et al offered House Resolution Nos. 77 through 80, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Purgason offered House Resolution No. 81, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barry offered House Resolution No. 82, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murray offered House Resolution No. 83, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 346** through **HB 364** were read the second time.

**JOINT SESSION**

The hour of the Joint Session having arrived, the Senate in a body was admitted, and Lieutenant Governor Wilson presiding, called the Joint Assembly to order.

The Secretary of the Senate called the roll, which showed a majority of the Senators present:

AYES: 034

Banks Bentley Caskey Clay Curls

DePasco Ehlmann Flotron Goode Graves

House Howard Johnson Kenney Kinder

Klarich Lybyer Mathewson Maxwell McKenna

Melton Moseley Mueller Quick Rohrbach

Russell Schneider Scott Sims Singleton

Staples Treppler Westfall Wiggins

NOES: 000

ABSENT WITH LEAVE: 000

The Chief Clerk of the House called the roll, which showed a majority of the Representatives present:

AYES: 001

Hoppe

NOES: 000

PRESENT: 158

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Hand Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear 83 Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 002

Loudon Nordwald

VACANCIES: 002

The Doorkeeper announced the approach of the Honorable Mel Carnahan. The Governor was duly escorted to the House Chamber and the Speaker's dais, where he delivered the following message to the assembly in Joint Session.

**STATE OF THE STATE ADDRESS**

**BY**

**GOVERNOR MEL CARNAHAN**

**January 22, 1997**

Mr. President, Mr. Speaker, Mr. President Pro Tem, distinguished state officials, members of the 89th General Assembly, and citizens of Missouri:

INTRODUCTION

While every public official in this chamber was preparing to come here this morning, over five million other Missourians were also starting their day.

Outside of Kansas City in the suburban community of Lee's Summit, Mary Capell has already done 45 minutes of aerobics, showered, dressed, fixed breakfast, and taken her child to daycare so she can open her office at Precision Cable. Mary is no longer on welfare because of our nationally recognized welfare-to-work efforts. She was hired by Precision Cable and has already received several raises and promotions. She is also attending classes at Longview Community College three nights a week to get her business administration degree.

On the other side of the state this morning, in the small southwest community of Crane, Katy Paschall is getting her sister up on their farm at 6 a.m., so they can both get to school in Hurley. Katy lives with her adopted family, Hurley teacher Tracy Flood and her husband Don. With their encouragement she has stayed in school, even though at one time in her life she was thinking about dropping out.

Katy's school in Hurley has gone in four years from being one of the poorest schools in the state to being on the cutting edge of technology because of the Outstanding Schools Act. Like the Hurley school, Katy has risen above adversity with the help of new technology. Three years ago the school had only six computers. Now, Katy has multi-media computers in all her classes and access to a computer lab.

Katy, a junior, has gone from being computer illiterate to one of the top Hurley students on keyboard and a straight-A student. In fact, she is currently designing a brochure for a residential care facility in Versailles as a part of her Technology Lab Class.

Mary and Katy are just two examples of Missourians you probably do not know. And probably will never meet. But it is my privilege to share their stories with you because you have touched their lives.

For the next four months until the final gavel, your lives will be consumed with a mountain of paper--bills, amendments, memos, and constituent letters. Your days will be filled with phone calls and meetings. Your mind will overflow with priorities and the demands of your job.

In the face of all that, please don't allow Mary Capell and Katy Paschall to be forgotten. Don't lose track of why we're here. It's not about paper, procedures, and process. Or politics...or even programs. It's about people--the people we serve. It's about providing them with new opportunities for a new century.

Several of those people whose lives you've already touched are with us today. One of them is the Vice President of Human Resources of MEMC Electronic Materials, Brad Eldredge. MEMC is a high tech company that produces silicon wafers used to manufacture integrated circuits and computer memory devices.

This prestigious Missouri company was selected by Industry Week as one of the Ten Best Plants in America and

has won our Missouri Quality Award and the Governor's Pollution Prevention Award. So naturally, Brad is proud to be a part of such a great Missouri company that continues to grow.

Because we want to make Missouri an even better place to do business, we are working with outstanding companies such as Brad's to expand their operations in our state. And in our efforts to create new jobs, we have been working with Brad on training employees so he has the high-skilled work force he needs at his plant. This past year, the company made $175 million in capital investments at the St. Peters plant and created 200 new jobs.

MEMC is one of our many business partners in building a better Missouri through a stronger economy. And we're pleased to have Brad here as our guest today.

Brad, would you please stand up so everyone can let you know how much we appreciate having you here today and your company here in Missouri?

STRONG ECONOMY AND WISE FINANCIAL MANAGEMENT

I am proud, too, that because of aggressive economic development and wise financial management, Missouri is known as a great place to do business. Our low debt and low taxes are highly attractive qualities to both new and expanding businesses.

Missouri is recognized as a state that takes a "results-oriented approach" with "conservative accounting" in operating a state budget. And we balance that budget every year--a feat the federal government has not been able to match. Missouri has a legislature and a government that take the financial responsibility very seriously, and I want to commend the members of this body, especially your budget chairs, Senator Lybyer and Rep. Lumpe, for year after year sending me a balanced budget and sending it to me on time.

I want to also assure Missouri citizens that our Council of Efficient Operations will continue to work with our departments to improve government's ability to deliver services in a cost-effective manner.

Our wise budget decisions, detailed strategic planning, and excellent financial management have earned Missouri a national ranking as the third best managed state in the nation from Financial World magazine. And the Missouri economic news continues to be great. Under my administration, we have created more than 300,000 new jobs.

The best news is that all of our indicators point to continued economic gains in 1997. But looking beyond 1997, I believe we can ensure our long range prosperity by investing in the new opportunities that I am proposing today for a new century.

SALES TAX CUT

Because of our strong state economy and tremendous economic growth, we can afford to give Missourians tax relief. Due to our outstanding economic growth, our state revenue for the budget year we just completed in June far exceeded our expectations, creating surplus revenues of almost $230 million. These are revenues which constitutionally cannot be spent. They must be returned to the taxpayers.

From this day forward, I want to see that money put back in the pockets of working families. The fastest and fairest way to accomplish that goal is to completely eliminate the three percent general state sales tax on food. Everyone must put food on the table.

This return of food dollars is equivalent to nearly two weeks of free groceries each year for every Missouri family. We must not allow another year to pass without providing this real savings to all Missourians.

I urge you to send this $230 million permanent tax cut to my desk. We need to work together in a bipartisan way to give this tax relief to our citizens.

WELFARE REFORM

Three years ago, we made Missouri a model of welfare reform through dramatic and measurable change. A model that has been singled out for praise by President Clinton and many others. A model cited by national press stories in The New York Times, Washington Post, USA Today, and other notable sources.

Our reforms have been aggressive in helping people move off welfare and into jobs. One of our success stories is here with me today.

Her name is Michelle Gale, and she is from O'Fallon.

When Michelle found herself separated from her husband with no support, she became the sole provider for her three children. She went on public assistance and held down two jobs--as a babysitter and housecleaner. When those two jobs ended, she felt helpless and hopeless. That is until she saw one of our promotional fliers about new job training.

In the spring of 1994, she attended an orientation and career exploration session, took tests, and met with a counselor. Based on her good marks in math and English, she got a job referral and went to work in June of 1994.

She has recently re-married, is still working for the same company, and earns high praise from her supervisor. Michelle, all of us here are proud of what you have accomplished through your hard work, diligence, and enthusiasm.

Would you please stand so we can show you how much?

Thank you, Michelle.

Michelle is representative of thousands of similar successes throughout our state. Yes, transformed lives give evidence of our progress.

As a pioneer in welfare reform, Missouri is well ahead of the curve and well positioned to take on the requirements of the federal welfare act. Because we started the welfare reform process shortly after I became governor...well ahead of the federal government...we've already met many of the requirements of the new federal bill.

We have witnessed an astounding 24 straight months of welfare reductions. There are 48,000 fewer people on welfare today than when I took office. And we will continue to move able-bodied Missourians off welfare rolls and onto payrolls.

We must emphasize work; have reasonable time limits for assistance for able-bodied people; and make available the training, education, child care, and job placement services that people need to get and hold a job. And we will strengthen our child support enforcement efforts through new legal tools.

Authorities tell us that if all child support due were paid, our welfare rolls would drop by one-fourth almost overnight. Improved collections in interstate cases and revocation of professional licenses for failure to pay child support are strong tools. They will allow us to toughen our collection efforts and ensure that Missouri's children get the support they are due.

Parents owed child support should be able to count on receiving their checks. Allowing them to be shortchanged only shortchanges our future because they do not have the money to invest in a better life for themselves and their children.

So we will be assuring Missourians that we take the obligation of child support seriously by starting a license revocation program; using better paternity establishment procedures; establishing state and national data bases on new hires and wage withholdings; and giving authorities better information about whether those who owe child support are meeting their obligation to their children.

Yes, we are moving swiftly and prudently to develop a new approach in the way we move recipients from dependency to productivity. But even with these changes, government cannot achieve the levels of success

we need to achieve without the support of business.

Our reforms call for bold partnerships with the private sector. What I didn't tell you about two of our special guests before that I want to share with you now is that Michelle Gale and Brad Eldredge know each other. Brad is in charge of hiring at the MEMC plant in St. Charles where Michelle works.

I commend MEMC for helping Missouri move people off welfare and into jobs. I hope that other Missouri businesses will follow the wonderful example of MEMC in putting welfare recipients to work. Public-private partnerships such as this one will be even more important as we replace a broken system and reframe the future into one that moves people into jobs. I urge our state business community to join us in this pursuit.

EDUCATION

Last week, in my inaugural address, I renewed my commitment to improving education in Missouri. When we speak of new opportunities for a new century, nothing can be more crucial than preparing our young people for the future. That is why I am pleased to announce that once again we will be fully funding our school foundation formula this year.

Over the past few years, I have visited schools all over our state. Because of these visits, I have had the opportunity to see what excellent preparation we are offering thanks to our reforms from the Outstanding Schools Act.

Reduced class sizes in lower grades, early childhood education for more children, better vocational education, and more computers in every school are making a difference.

One of the students I met whose life has been changed by our educational reforms is Trevor Mathenia from Springfield. Trevor was a student who made the decision to go to Central High School when he heard it would be joining our A-Plus program.

As you may know, the A-Plus program offers students a career-oriented curriculum as well as challenging academic courses that provide more opportunities for education and employment after graduation. A-Plus students must also meet certain standards of achievement, attendance, and citizenship.

Trevor is sold on the A-Plus program because he knows what a difference it has made in his life. Today, as a junior, he is one of two students who travels to junior high and middle schools in Springfield telling others about the advantages of our A-Plus program. He will be in the first class to graduate in Central's A-Plus program.

Trevor has also found what a difference our efforts have made at Central High School in other areas. For example, he tells us that when he started, Central had very few computers, and they were basically restricted to the office and the library. Now students have access to over 300 computers all over the school--many with Internet capabilities.

Trevor plans to take advantage of our A-Plus tuition scholarships. With it, he can study two years at a community college, before continuing at a four year institution to gain a degree in political science.

But to be eligible for the scholarship under A-Plus, Trevor must keep up a 2.5 grade average, maintain a 95 percent attendance record for three years, avoid drugs, and do 50 hours of unpaid tutoring or mentoring. He will be starting his tutoring of junior high and middle school students soon.

Please welcome one of the countless young people whose lives we have changed through our commitment to better education, Trevor Mathenia. Trevor, would you please stand?

HIGHER EDUCATION

Trevor certainly recognizes that people entering the workforce today need more than a high school diploma. At least 89 percent of all new jobs require some type of education beyond high school.

But cost is often a barrier to acquiring that education and training. I want to make two years of higher education more affordable and accessible for all Missourians. That is why I am proposing what I call Challenge Scholarships.

Under my proposal, we will phase in a tax credit of up to $1,500 a year to help pay tuition for every Missourian who wants two more years of education beyond high school. It is imperative that we make two years of education beyond high school commonplace. There is no better preparation we can make for our children's future.

So I ask you to help me make a 13th and 14th year of education a goal for all Missourians by approving my Challenge Scholarship program. This is just one more new opportunity we must take to build the high-skilled workforce of a new century.

LITERACY

One of the biggest impediments to achieving that goal is illiteracy. Reading unlocks so many doors. I cannot imagine anything more agonizing than living outside those doors--the wonders inside forever hidden from view.

Yet authorities tell us that one of the main reasons one million Missouri adults do not have a high school diploma is because they are functionally illiterate. Therefore, I am recommending we expand our efforts for adult literacy.

We will also be targeting the literacy of the next generation as well. Students who are poor readers in the early grades are much more likely to perform poorly in school and, eventually, drop out of school entirely. So I am recommending a greater effort to catch children at an early age who are at risk of reading failure.

We will train teachers from all across Missouri about intensive reading strategies. They can then return to their school districts to teach at-risk students and to train other teachers in the area.

As literacy efforts spread to all parts of our state, we can free Missourians who have been imprisoned by their inability to read--free them for better jobs and more opportunities.

Literacy brings access to knowledge that is essential in the electronic age. Students today can go anywhere and learn about anything with a few clicks of a computer mouse. So books are no longer the only key to success. It's the keyboard as well.

Our students must also be computer literate before they enter a world of work where windows and web sites are a way of life.

Since I first became governor, I have pushed to bring computers into all Missouri schools--kindergarten through college. I believe just as strongly about giving our students the advantage of the latest technology today as I did four years ago. That is why I am recommending that we nearly triple our on-going investment in computers for schools this year.

As I stated in my inaugural address, I would like to see us reach the goal of making every Missouri youngster computer literate by age 12. However, in doing that, we must make certain our students can have access to the Information Superhighway--that vast encyclopedia of knowledge.

The Information Superhighway is so popular today that many people can't even get on, let alone maneuver through all the traffic. My recommendations this year include widening the on-ramps and adding a new lane so Missouri students can get on the Information Superhighway and travel more rapidly to the places they need to go.

I believe bringing the world to our students electronically will prepare them to enter the real world as adults.

SCHOOL SAFETY

Making certain our students can travel on the Information Superhighway is not our only school transportation concern this session. We want to make certain our children are safely transported on school buses throughout Missouri.

Since last year, our Safe Schools Initiative has been working to make classrooms, hallways, and school yards safe. This legislative session, I want to take an additional step to safeguard the lives of children who ride school buses. In general, our school buses have an excellent record of safety. But even with safety mirrors, a bus with a high front grill creates a blind spot for the driver when small children pass directly in front of the vehicle.

I want to help reduce that danger by requiring that all conventional school buses be equipped with crossing control arms. These control arms are rods that stretch 10 feet from the front of the vehicle to keep students from crossing directly in front of the bus. At least 28 states have already approved the use of these devices. We will be offering one-time grants to school districts to help absorb the installation cost of the arms. Our timetable is to have all buses equipped in time for the start of school in the fall of 1998. I want to ensure that when Missouri schoolchildren are leaving a school bus, they are stepping into safety--not harm's way.

HEALTH

Protecting our children has always been a major priority of mine since I became governor. One area we have really concentrated on this past year is getting our youngest children immunized.

With your help, my plan to remove financial barriers to immunization, make it easier to receive them, and educate our citizens about the need for protection is working wonders.

Today we have with us one of our immunization success stories--LaTasha Winters of Kansas City and her 13-month-old twin daughters. I heard from LaTasha as a part of our immunization effort last year after Jean and I sent a congratulatory card to her on the birth of her twins.

These congratulatory cards, which we have been sending in partnership with Hallmark Cards, contain a detachable immunization record so parents can keep track of their children's immunizations. We have found them to be quite an effective tool in helping us raise parent awareness about the importance of immunizations.

LaTasha wrote to tell me what a good idea those cards were, and since then she has been keeping the twins current with all their immunizations. She is entered into a Kansas City-area computer listing so her health care provider can remind her when the twins need to be immunized.

She takes her children to a clinic affiliated with Children's Mercy Hospital, and her babies receive their immunizations free of charge. While she is here, we want to commend LaTasha on the steps she has been taking to make her own life better.

She has been studying to become a certified nursing assistant through Job Corps. While she's at school, her grandmother watches the twins.

And just yesterday, she took her high school equivalency test. Here is a woman that is completely devoted to protecting her children's health and continuing her own education so she can provide for those twins as they grow up. It is a pleasure for me to recognize LaTasha Winters and her twins.

LaTasha, would you please stand?

Thanks to stories such as the Winters twins, Missouri was able to reach its goal last September of having 75 percent of all Missouri two-year-olds immunized.

Another part of our responsibility as parents in keeping our children healthy is ensuring safe, quality daycare. This year we will be intensifying our efforts to provide quality inspections of daycare centers.

We will further increase our commitment to daycare by making certain this essential service is available for parents who need it. We will also be doing more to link daycare with educational opportunities.

With an approach called Educare, we are making day care a more meaningful educational experience for young children. By bringing home daycare providers and teachers together through Educare, children are receiving the early childhood skills they need to succeed in school when they get older.

We want all Missouri children to get a good start--in a secure home, free from harm, and in a healthy environment that encourages early childhood learning.

CRIME

However, without solid law enforcement in Missouri, all of these bright opportunities could be overshadowed by crime in our cities and neighborhoods.

Since I took office, Missouri has built a national reputation for fighting crime--longer sentences, tougher penalties for violent juveniles, and increased penalties for sexual predators. We have also given our law enforcement officers more tools and training so they can keep Missourians safe.

A shining example of this is Shelley Jones, a peace officer with the Columbia Police Department. Shelley was shot with a 12 gauge shotgun during the course of an arrest. Yet she not only survived, but was able to return fire and assist in the subsequent investigation leading to the arrest and conviction of the suspect.

She attributes her survival and her role in the ultimate arrest to the increased training she received, such as the training we approved for all police officers in 1993 and the continuing training requirements we put into law in 1994.

Let me introduce you to this courageous officer who put her life on the line--Officer Shelley Jones.

Shelley, would you please stand so we can acknowledge the great job you do for the people of Columbia?

We owe it to the men and women of law enforcement like Shelley to properly train and equip them. And thanks to our efforts, they are receiving that training and equipment. Tough new laws and better law enforcement are paying off for all of us.

However, if we are to make certain that dangerous and violent criminals are not released early...if these menaces to society are to be kept away from our children, off the streets, and far from our schools... we must have the prison space to house them.

It is necessary to build two more prisons and expand others to ensure violent criminals are kept behind bars where they belong.

TRANSPORTATION

I will also be looking forward to the completion of the work of our Total Transportation Commission. Clearly, effective transportation is critical to Missouri's economic vitality.

Our commission is reviewing all of our transportation needs as well as how we can best build and maintain a system of transportation for the next century. I want to commend the commission for their work to date. We will receive their recommendations later this year.

CONCLUSION

Once more, it is time for us to roll up our sleeves and begin the work which lies ahead. But as I begin this second term, I feel a larger responsibility than ever before because I will be the last governor of this century and the first governor of the next.

That distinction holds with it an obligation to lead our state in a manner that can bring one hundred years of accomplishments to a climactic close. But it also summons us to prepare for a new era. I have no doubt that together we can achieve both goals. The future begs for our best.

So I will be looking forward to working with you in the days ahead to do what's right for Missouri. But before we go to work, I'd like to ask you to do one thing for me. On your desk is a envelope. Would you please join me and pick yours up. In your hand, you now hold a life. Just like the lives you met today here in this chamber. Because in that envelope on a piece of paper is a story. The story of a single mom who has successfully left our welfare system to support herself and her kids. Or a child who now has new opportunities because of what we have done for education. Or a businessman or woman who is succeeding because we were there to help find and train the people needed to get the job done.

Every story is different. Every story is true. But one theme runs through them all. These are all Missourians who are successful because you helped write their stories...with your courage...your vision...and your passionate belief that we can make a difference. Don't lose those qualities. Read your story. You might even think about putting it away as a reminder.

So on those days when the meetings and the paperwork close in on you, you can read it again and keep your focus on why we're really here. Right now, these two hundred people are going about their business, and they are not thinking about you. But I hope you're thinking about them. For they are living better lives and have a brighter future because you are here for them.

In the words of the apostle Paul: "Let us not be weary in well-doing. For in due season we shall reap if we faint not."

Let those of us in this chamber be strong in that resolve. Let us close out this century in a blazing sunset of achievement the like of which our state has never seen before...confident that together, and with God's blessing, our best days are yet to come.

The Joint Session was dissolved by Lieutenant Governor Wilson.

Speaker Gaw resumed the Chair.

**COMMITTEE REPORT**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82** and **83,** begs leave to report it has examined the same and recommends that they **Be Adopted**.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 11**, introduced by Representative Leake, et al, relating to joint municipal utility commission revenue bonds.

**INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS**

The following House Bill was read the first time and 1,000 copies ordered printed:

**HB 14**, introduced by Representative Lumpe, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1997.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 365**, introduced by Representative Luetkenhaus, relating to volunteer firefighters' benefits.

**HB 366**, introduced by Representative Luetkenhaus, relating to a sales tax exemption for food.

**HB 367**, introduced by Representative Gross, et al, relating to drivers' license numbers.

**HB 368**, introduced by Representative O'Toole, et al, relating to the liability of certain physicians.

**HB 369**, introduced by Representative Clayton, relating to the uniform commercial code.

**HB 370**, introduced by Representative Hartzler (124), relating to election and appointment of certain municipal officials.

**HB 371**, introduced by Representatives Lograsso, Cooper, Chrismer and Champion, et al, relating to taxation.

**HB 372**, introduced by Representative Green, relating to child custody and child support proceedings.

**HB 373**, introduced by Representatives Kreider and Stoll, relating to the school building revolving fund.

**HB 374**, introduced by Representative Luetkenhaus, relating to security guards.

**HB 375**, introduced by Representative Luetkenhaus, relating to mechanic's liens.

**HB 376**, introduced by Representative Leake, et al, relating to joint municipal utility commissions.

**HB 377**, introduced by Representatives McClelland and Hosmer, relating to student volunteer opportunities.

**HB 378**, introduced by Representatives McClelland and Gibbons, relating to employer references.

**HB 379**, introduced by Representative Franklin, relating to watercraft.

**HB 380**, introduced by Representative Schwab, relating to school bus inspections.

**HB 381**, introduced by Representative Koller, et al, relating to motor vehicles.

**HB 382**, introduced by Representative Stoll, et al, relating to certain scholarship programs.

**HB 383**, introduced by Representative Stoll, et al, relating to the state board of pharmacy.

**HB 384**, introduced by Representative Shear, relating to school term starting dates.

**HB 385**, introduced by Representative Gross, et al, relating to the Missouri - St. Louis Metropolitan Airport Authority.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, January 23, 1997.

**COMMITTEE MEETINGS**

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Monday, January 27, 1997, 1:00 pm. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Tuesday, January 28, 1997, 11:00 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, January 29, 1997, 10:30 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, January 30, 1997, 10:30 am. Hearing Room 7

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 27, 1997, 1:00 pm. Hearing Room 9. Elected Officials

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, January 27, 1997, 10:00 am. Hearing Room 5. Dept.of Health and Mental Health overview. Public testimony Dept. of Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, January 28, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Health, Dept. of Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, January 29, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Health, Dept. of Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, January 30, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Mental Health.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, January 23, 1997. Hearing Room 8 upon morning adjournment. Organizational meeting

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, January 28, 1997, 10:30 am. Hearing Rooms 1 and 2. Organizational meeting

ETHICS

Thursday, January 23, 1997. Hearing Room 7 upon morning adjournment. Organizational meeting

ETHICS

Tuesday, January 28, 1997, 8:30 am. Hearing Room 7. Rules of Procedure

**HOUSE CALENDAR**

ELEVENTH DAY, THURSDAY, JANUARY 23, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 11

**HOUSE BILLS FOR SECOND READING**

HB 365 through HB 385

**HOUSE BILL FOR SECOND READING - APPROPRIATIONS**

HB 14 -

**COURTESY RESOLUTIONS**

HR 8 - Gratz

HR 9 - Smith

HR 10 - Smith

HR 11 - McClelland

HR 12 - McClelland

HR 13 - McClelland

HR 14 - Farnen

HR 15 - Hartzler (124)

HR 16 - Hartzler (124)

HR 17 - Koller

HR 18 - Ransdall

HR 19 - Auer

HR 20 - Reynolds

HR 21 - Lawson

HR 22 - Hartzler (124)

HR 23 - Ransdall

HR 24 - Ransdall

HR 25 - Green

HR 26 - Backer

HR 27 - Griesheimer

HR 28 - Pryor

HR 29 - Hickey

HR 30 - Green

HR 31 - Days

HR 32 - Ford

HR 33 - Hartzler (124)

HR 34 - Cooper

HR 35 - Auer

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HR 37 - Crump

HR 38 - Monaco

HR 39 - Wiggins

HR 40 - Hartzler (124)

HR 41 - Murphy

HR 42 - Murphy

HR 43 - Murphy

HR 44 - Bartelsmeyer

HR 45 - Bartelsmeyer

HR 46 - Bartelsmeyer

HR 47 - Relford

HR 48 - Richardson

HR 49 - Richardson

HR 50 - Copeland

HR 51 - Clayton

HR 52 - Clayton

HR 53 - Clayton

HR 54 - Ford

HR 55 - Lakin

HR 56 - Gaw

HR 57 - Bland

HR 58 - Richardson

HR 59 - Goward

HR 60 - Levin

HR 61 - Scheve

HR 62 - Lawson

HR 63 - Patek

HR 64 - Williams (121)

HR 65 - Ross

HR 66 - Ross

HR 67 - Ross

HR 68 - McBride

HR 70 - Scott

HR 71 - Kelly (27)

HR 72 - Williams (159)

HR 73 - Thomason (163)

HR 74 - Bray

HR 75 - Akin

HR 76 - Surface

HR 77 - Gross

HR 78 - Gross

HR 79 - Gross

HR 80 - Gross

HR 81 - Purgason

HR 82 - Barry

HR 83 - Murray

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# House Journal

## First Regular Session, 89th General Assembly

ELEVENTH DAY, Thursday, January 23, 1997

Speaker Gaw in the Chair.

Prayer by Representative Glenn Hall.

He has showed you O man, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God. Micah 6:8 (NIV)

Father in heaven we pray that we would walk in your requirements. Lord, please show us what it means to act justly and love mercy and walk humbly with You. Lord, help us to remember your Word that teaches us what these things mean, to remember Scriptures like Isaiah 58, verses 6 to 9 which read:

"Is not this the kind of fasting I have chosen: to loose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke?

Is it not to share your food with the hungry and to provide the poor wanderer with shelter--when you see the naked, to clothe him, and not to turn away from your own flesh and blood?

Then your light will break forth like the dawn, and your healing will quickly appear; then your righteousness will go before you, and the glory of the LORD will be your rear guard.

Then you will call, and the LORD will answer; you will cry for help, and he will say:

Here am I." (Isaiah 58:6-9)

Lord, please teach us to act justly, to love mercy and walk humbly with you.

In Jesus Christ's name we pray, Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the tenth day was approved as printed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Hand Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Hollingsworth Nordwald Shear 83 Stoll

VACANCIES: 002

**RESOLUTIONS**

Representative Bartelsmeyer offered House Resolution No. 84, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Skaggs offered House Resolution No. 85, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution Nos. 86 and 87, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hohulin offered House Resolution No. 88, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 89, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lakin offered House Resolution Nos. 90 through 96, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gibbons offered House Resolution Nos. 97 through 99, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson assumed the Chair.

**COURTESY RESOLUTIONS**

House Resolution Nos. 8 through 68 and 70 through 83 were taken up by Representative Backer.

On motion of Representative Backer, House Resolutions Nos. 8 through 68 and 70 through 83 were adopted.

Speaker Gaw resumed the Chair.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 11** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 365** through **HB 385** were read the second time.

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 14** was read the second time.

**REFERRAL OF ELECTION CONTESTS**

House Election Contest No. 1, Marvalene Pankey vs. Jim Howerton, et al, was referred to the Committee on Elections.

House Election Contest No. 2, Donald W. Waldrep vs. Matt Boatright et, al, was referred to the Committee on Elections.

House Election Contest No. 3, Michael R. Frame vs. Marilyn Edwards Pavia, was referred to the Committee on Elections.

**REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 7** - Governmental Organization and Review

**HJR 8** - Budget

**HJR 9** - Education - Elementary and Secondary

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 179** - Criminal Law

**HB 180** - Elections

**HB 181** - Judiciary

**HB 182** - Insurance

**HB 183** - Insurance

**HB 185** - Judiciary

**HB 186** - Utilities Regulation

**HB 187** - Judiciary

**HB 188** - Utilities Regulation

**HB 189** - Civil and Administrative Law

**HB 190** - Professional Registration and Licensing

**HB 191** - Judiciary

**HB 192** - Civil and Administrative Law

**HB 193** - Insurance

**HB 194** - Transportation

**HB 195** - Insurance

**HB 196** - Insurance

**HB 197** - Insurance

**HB 198** - Public Health and Safety

**HB 199** - Federal-State Relations and Veterans Affairs

**HB 200** - Agriculture

**HB 201** - Judiciary

**HB 202** - Education - Elementary and Secondary

**HB 203** - Municipal Corporations

**HB 204** - Civil and Administrative Law

**HB 205** - Retirement

**HB 206** - Transportation

**HB 207** - Transportation

**HB 209** - Consumer Protection

**HB 210** - Education - Higher

**HB 211** - Agri-Business

**HB 212** - Professional Registration and Licensing

**HB 213** - Professional Registration and Licensing

**HB 215** - Social Services, Medicaid and the Elderly

**HB 216** - Federal-State Relations and Veterans Affairs

**HB 217** - Civil and Administrative Law

**HB 218** - Motor Vehicle and Traffic Regulations

**HB 219** - Criminal Law

**HB 220** - Children, Youth and Families

**HB 221** - Judiciary

**HB 222** - Education - Elementary and Secondary

**HB 223** - Education - Elementary and Secondary

**HB 224** - Education - Elementary and Secondary

**HB 225** - Public Health and Safety

**HB 226** - Professional Registration and Licensing

**HB 227** - Professional Registration and Licensing

**HB 228** - Insurance

**HB 229** - Urban Affairs

**HB 230** - Ways and Means

**HB 231** - Local Government and Related Matters

**HB 232** - Public Health and Safety

**HB 233** - Insurance

**HB 234** - Criminal Law

**HB 235** - Judiciary

**HB 236** - Critical Issues

**HB 237** - Motor Vehicle and Traffic Regulations

**HB 238** - Environment and Energy

**HB 239** - Judiciary

**HB 240** - Education - Elementary and Secondary

**HB 241** - Ways and Means

**HB 242** - Criminal Law

**HB 243** - Correctional and State Institutions

**HB 244** - Civil and Administrative Law

**HB 245** - Education - Elementary and Secondary

**HB 246** - Insurance

**HB 247** - Municipal Corporations

**HB 248** - Municipal Corporations

**HB 249** - Local Government and Related Matters

**HB 250** - Civil and Administrative Law

**HB 251** - Insurance

**HB 252** - Urban Affairs

**HB 253** - Federal-State Relations and Veterans Affairs

**HB 254** - Civil and Administrative Law

**HB 255** - Ways and Means

**HB 256** - Education - Elementary and Secondary

**HB 257** - Banks and Financial Institutions

**HB 258** - Judiciary

**HB 259** - Insurance

**HB 260** - Professional Registration and Licensing

**HB 261** - Local Government and Related Matters

**HB 262** - Local Government and Related Matters

**HB 263** - Local Government and Related Matters

**HB 264** - Local Government and Related Matters

**HB 265** - Criminal Law

**HB 266** - Professional Registration and Licensing

**HB 267** - Social Services, Medicaid and the Elderly

**HB 268** - Civil and Administrative Law

**HB 271** - Social Services, Medicaid and the Elderly

**HB 272** - Civil and Administrative Law

**HB 273** - Ways and Means

**HB 274** - Judiciary

**HB 276** - Consumer Protection

**HB 277** - Local Government and Related Matters

**HB 278** - Budget

**HB 279** - Civil and Administrative Law

**HB 280** - Education - Elementary and Secondary

**HB 281** - Motor Vehicle and Traffic Regulations

**HB 282** - Labor

**HB 283** - Agri-Business

**HB 284** - Criminal Law

**HB 285** - Motor Vehicle and Traffic Regulations

**HB 286** - Local Government and Related Matters

**HB 287** - Insurance

**HB 288** - Environment and Energy

**HB 289** - Local Government and Related Matters

**HB 290** - Ways and Means

**HB 291** - Judiciary

**HB 292** - Education - Elementary and Secondary

**HB 294** - Criminal Law

**HB 295** - Budget

**HB 296** - Judiciary

**HB 297** - Local Government and Related Matters

**HB 298** - Ways and Means

**HB 300** - Civil and Administrative Law

**HB 301** - Ways and Means

**HB 302** - Social Services, Medicaid and the Elderly

**HB 303** - Education - Higher

**HB 304** - Criminal Law

**HB 305** - Elections

**HB 306** - Education - Elementary and Secondary

**HB 307** - Ways and Means

**HB 308** - Judiciary

**HB 309** - Professional Registration and Licensing

**HB 310** - Professional Registration and Licensing

**HB 311** - Professional Registration and Licensing

**HB 312** - Civil and Administrative Law

**HB 313** - Local Government and Related Matters

**HB 314** - Retirement

**HB 315** - Professional Registration and Licensing

**HB 316** - Correctional and State Institutions

**HB 318** - Local Government and Related Matters

**HB 319** - Civil and Administrative Law

**HB 320** - Public Health and Safety

**HB 321** - Criminal Law

**HB 322** - Retirement

**HB 323** - Local Government and Related Matters

**HB 324** - Ways and Means

**HB 325** - Correctional and State Institutions

**HB 326** - Ways and Means

**HB 327** - State Parks, Natural Resources and Mining

**HB 328** - Municipal Corporations

**HB 329** - Public Health and Safety

**HB 330** - Public Health and Safety

**HB 332** - Motor Vehicle and Traffic Regulations

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 386**, introduced by Representative Carter, relating to public nuisances.

**HB 387**, introduced by Representative Smith, et al, relating to certain banking transactions.

**HB 388**, introduced by Representative Luetkenhaus, relating to insurance coverage for phenylketonuria products.

**HB 389**, introduced by Representative Luetkenhaus, relating to motor vehicles.

**HB 390**, introduced by Representative Hoppe, et al, relating to emergency services.

**HB 391**, introduced by Representative Alter, relating to juvenile curfews.

**HB 392**, introduced by Representative Tate, relating to fire protection districts.

**HB 393**, introduced by Representatives Smith and Sallee, relating to sales taxation.

**HB 394**, introduced by Representative Loudon, relating to motor vehicle license plates.

**HB 395**, introduced by Representative Smith, relating to real property.

**HB 396**, introduced by Representatives Hosmer and Smith, relating to the rights and obligations of innkeepers and guests.

**HB 397**, introduced by Representative Scheve, relating to school term starting dates.

**HB 398**, introduced by Representative Hand, relating to licensing of psychologists.

**HB 399**, introduced by Representatives Campbell, McLuckie and Farmer, relating to the uniform common interest ownership act.

**HB 400**, introduced by Representative Hartzler (123), et al, relating to election commissioners.

**HB 401**, introduced by Representative Hartzler (123), relating to election authorities.

**HB 402**, introduced by Representatives Naeger and Pryor, et al, relating to inspection fees for on-site sewage disposal systems.

**HB 403**, introduced by Representative Donovan, et al, relating to motor vehicles.

**HB 404**, introduced by Representative Barry, et al, relating to surgical first assistants and registered nurse first assistants.

**HB 405**, introduced by Representatives Bland, Tate, Gunn, McLuckie, Harlan, Schilling, Daniel (42) and Monaco, relating to educational programs.

**HB 406**, introduced by Representative Treadway, relating to architects, professional engineers and professional land surveyors.

**HB 407**, introduced by Representative Bray, et al, relating to financing of certain election campaigns.

**HB 408**, introduced by Representative Franklin, et al, relating to the common language of the state of Missouri.

**HB 409**, introduced by Representatives Cooper and Skaggs, et al, relating to transportation development districts.

**HB 410**, introduced by Representative Bray, relating to the sale of school property.

**HB 411**, introduced by Representatives Dougherty and Boucher, et al, relating to federal mandates for child support enforcement.

**HB 412**, introduced by Representative Luetkenhaus, relating to sexual offenses.

**HB 413**, introduced by Representative Rizzo, relating to prostitution.

**HB 414**, introduced by Representative Barry, et al, relating to a tax credit for certain charitable contributions.

**HB 415**, introduced by Representative Boucher, relating to bicycle safety.

**HB 416**, introduced by Representative Boucher, relating to motor vehicles.

**WITHDRAWAL OF HOUSE BILL**

January 20, 1997

The Honorable Steve Gaw, Speaker
Missouri House of Representatives
State Capitol
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that House Bill 317 be withdrawn.

Respectfully submitted,

/s/ Patrick Dougherty

**ADJOURNMENT**

On motion of Representative Lograsso, the House adjourned until 4:00 p.m., Monday, January 27, 1997.

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE
Tuesday, January 28, 1997, 8:00 am. Hearing Room 1

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY
Monday, January 27, 1997, 1:00 pm. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY
Tuesday, January 28, 1997, 11:00 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY
Wednesday, January 29, 1997, 10:30 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY
Thursday, January 30, 1997, 10:30 am. Hearing Room 7. Public Defender

APPROPRIATIONS - GENERAL ADMINISTRATION
Monday, January 27, 1997, 1:00 pm. Hearing Room 9. Elected Officials

APPROPRIATIONS - GENERAL ADMINISTRATION
Tuesday, January 28, 1997, 1:00 pm. Hearing Room 9. St.Louis Convention and Visitors Comm. KC Sports Complex, Jeff City Convention Center

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 29, 1997. Hearing Room 9 upon adjournment. MoDOT

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, January 30, 1997. Hearing Room 9. Upon adjournment public testimony.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, January 27, 1997, 10:00 am. Hearing Room 9. Dept. of Health and Mental Health overview. Public testimony Dept. of Health. AMENDED NOTICE

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, January 27, 1997, 1:00 pm. Hearing Room 5. Dept. of Health, Dept. of Mental Health overview. Public testimony Dept. of Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, January 28, 1997. Hearing Room 9 upon morning adjournment. Public testimony Dept. of Health, Dept. of Mental Health. AMENDED NOTICE

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, January 28, 1997, 1:00 pm. Hearing Room 5. Public testimony Dept. of Health, Dept. of Mental Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, January 29, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Health, Dept. of Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, January 30, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Mental Health.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, January 27, 1997, 12:00 pm. Hearing Room 8. Dept. of Agriculture, Dept. of Conservation.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, January 28, 1997, 10:30 am. Hearing Rooms 1 and 2. Organizational Meeting.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, January 29, 1997, 10:30 am. Hearing Rooms 1 and 2. Public testimony, Dept. of Corrections, Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, January 30, 1997, 10:30 am. Hearing Rooms 1 & 2. Dept. of Corrections.

BUDGET

Tuesday, January 28, 1997, 8:30 am. Hearing Room 9. FY 1997 supplemental appropriations.

CIVIL AND ADMINISTRATIVE LAW

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 58, HB 100, HB 113, HB 141

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 8. Organizational Meeting.

To be considered - HB 84, HJR 2, HB 108

ELECTIONS

Tuesday, January 28, 1997, 8:00 pm. Hearing Room 7. Background on election contest.

To be considered - HB 172

ETHICS

Tuesday, January 28, 1997, 8:30 am. Hearing Room 7. Rules of Procedure.

INSURANCE

Tuesday, January 28, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 259, HB 156, HB 175

JUDICIARY

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 59, HB 96, HB 33

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 4.

To be considered - HB 31, HB 173, HB 159, HB 99, HB 41

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, January 27, 1997, 8:00 pm. Hearing Room 5. Executive session may

or may not follow.

To be considered - HB 92

**HOUSE CALENDAR**

TWELFTH DAY, MONDAY, JANUARY 27 1997

**HOUSE BILLS FOR SECOND READING**

HB 386 through HB 416

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# House Journal

## First Regular Session, 89th General Assembly

TWELFTH DAY, Monday, January 27, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Spare me from people who... do evil all the time and are always ready to take bribes." (Ps. 26:10)

There is lots of news these days about the amount of money donated at the national level to the major parties for the 1996 election and speculation about the influence. The people of Missouri continue to debate the proposed pay raise for the General Assembly and for other officials.

Gracious God, we often quote the familiar phrase, "there is no free lunch." Someone pays for it. The issue for us personally and for the party and for the health of the political process and of the well-being of the Republic and the State is "who pays for the lunch" since it is not free and what do they ask for in return. We ask for a spirit of integrity, of fairness, of the courage to debate an issue which is discussed freely and widely in talk programs and in editorial columns and letters to the editor. Help us Lord, to bring government by the monied elite while making every office accessible to ordinary citizens. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the eleventh day was approved as corrected.

**RESOLUTIONS**

Representative Reinhart offered House Resolution No. 100, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Secrest, et al, offered House Resolution No. 101, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Secrest, et al, offered House Resolution No. 102, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE CHANGES**

The Speaker submitted the following Committee changes:

Representatives Ford, Rizzo, Hegeman and Chrismer to the Budget Committee.

Representative Bonner to the Labor, Appropriations-General Administration, and Correctional and State Institutions Committees

**SECOND READING OF HOUSE BILLS**

**HB 386** through **HB 416** were read the second time.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 417**, introduced by Representatives Gross and Lumpe, et al, relating to social security number disclosure.

**HB 418**, introduced by Representative Smith, relating to curators' powers.

**HB 419**, introduced by Representative Tate, relating to ambulances.

**HB 420**, introduced by Representative Thompson (37), relating to sales taxation.

**HB 421**, introduced by Representative Thompson (37), relating to sales taxation.

**HB 422**, introduced by Representative Carter, relating to mistreatment of persons admitted to a mental health facility.

**HB 423**, introduced by Representative Backer, relating to motor vehicles.

**HB 424**, introduced by Representative Crump, relating to penalties for wildlife code violations.

**HB 425**, introduced by Representative Green, relating to the regulation of business opportunities.

**HB 426**, introduced by Representative Luetkenhaus, relating to employers and employees.

**HB 427**, introduced by Representative Ransdall, relating to real property tax increment allocation redevelopment.

**HB 428**, introduced by Representative O'Toole, relating to election advertisements.

**HB 429**, introduced by Representative O'Toole, et al, relating to sales and use taxation.

**HB 430**, introduced by Representative O'Toole, relating to requiring certain equipment on school buses.

**HB 431**, introduced by Representative Hendrickson, et al, relating to state income tax.

**HB 432**, introduced by Representative Hendrickson, relating to certain weapons offenses.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 411** - Children, Youth and Families

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present.

AYES: 000

NOES: 000

PRESENT: 138

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Bray
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Cooper Crawford Daniels 41
Davis 63 Davis 122 Days Dolan Dougherty
Edwards-Pavia Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Harlan Hartzler 123
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hosmer Howerton Johnson
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Relford
Reynolds Richardson Rizzo Robirds Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Williams 121 Williams 159
Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 023

Boucher Clayton Copeland Crump Daniel 42
Donovan Elliott Goward Gunn Hand
Hartzler 124 Hoppe Kasten Legan Nordwald
Reinhart Ridgeway Ross Shear 83 Surface

Thompson 37 Troupe Wiggins

VACANCIES: 002

On motion of Representative Backer, the House recessed until 6:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted SCR 3:

*Senate Concurrent Resolution No. 3*

WHEREAS, on November 8, 1994, the voters of Missouri adopted Section 3 of Article XIII, of the Constitution of Missouri; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the compensation of state elected officials, the General Assembly and state judges is to be set by the Missouri Citizens Commission on Compensation after public hearings and a review and study of the relationship of the compensation to the duties of the elected state officials, the members of the General Assembly and state judges; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that after the hearings, the Commission shall file its initial schedule of compensation with the Secretary of State and the Revisor of Statutes before December 1, 1996; and

WHEREAS, on November 25, 1996, the Revisor of Statutes received the 1996 Report and Compensation Schedule (Appendix A) of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996; and

WHEREAS, Section 3, Article XIII, Missouri Constitution, provides that the schedule shall become effective unless disapproved by a concurrent resolution adopted by the General Assembly before February 1, 1997; and

WHEREAS, the members of the General Assembly feel the compensation recommended in the Compensation Schedule is excessive:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby reject the 1996 Compensation Schedule (Appendix A) of the 1996 Report and Compensation Schedule of the Missouri Citizens Commission on Compensation for Elected Officials, dated November 30, 1996.

In which the concurrence of the House is respectfully requested.

**REFERRAL**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 3** - Rules, Joint Rules and Bills Perfected and Printed

The following members' presence were noted: Representatives Boucher and Daniel (42).

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, January 28, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Eleventh Day, Thursday, January 23, 1997, page 190, Line 41, by deleting the words "HB 277 - Local Government and Related Matters" and inserting in lieu thereof the words "HB 277 - Civil and Administrative Law".

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Tuesday, January 28, 1997, 8:00 am. Hearing Room 1

AGRICULTURE

Wednesday, January 29, 1997, 3:00 pm. Hearing Rooms 3 & 4.

To be considered - HB 50

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Tuesday, January 28, 1997, 11:00 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, January 29, 1997, 10:30 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, January 30, 1997, 10:30 am. Hearing Room 7. Public Defender

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, January 28, 1997, 1:00 pm. Hearing Room 9. St.Louis Convention

and Visitors Comm. KC Sports Complex, Jeff City Convention Center

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, January 29, 1997. Hearing Room 9 upon adjournment. MoDOT

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, January 30, 1997. Hearing Room 9. Upon adjournment public testimony.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, January 28, 1997. Hearing Room 5 upon morning adjournment.

Public testimony Dept. of Health, Dept. of Mental Health.

SECOND AMENDED NOTICE

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, January 28, 1997, 1:00 pm. Hearing Room 5. Public testimony

Dept. of Health, Dept. of Mental Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, January 29, 1997. Hearing Room 5 upon morning adjournment.

Public testimony Dept. of Health, Dept. of Mental Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, January 30, 1997. Hearing Room 5 upon morning adjournment.

Public testimony Dept. of Mental Health

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, January 28, 1997. Hearing Room 8 upon adjournment. Dept. of Natural Resources

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, January 29, 1997. Hearing Room 8 upon adjournment. Dept. of Natural Resources

(If Necessary) Dept. of Labor & Industrial Relations

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, January 28, 1997, 10:30 am. Hearing Rooms 1 and 2.

Organizational Meeting

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, January 29, 1997, 10:30 am. Hearing Rooms 1 and 2. Public

testimony Dept. of Corrections, Dept. of Social Services

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, January 30, 1997, 10:30 am. Hearing Rooms 1 & 2. Dept. of Corrections

BUDGET

Tuesday, January 28, 1997, 8:30 am. Hearing Room 9. FY 1997 supplemental appropriations

CHILDREN, YOUTH, AND FAMILIES

Wednesday, January 29, 1997, 7:30 pm. Hearing Room 9.

To be considered - HB 34, HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 58, HB 100, HB 113, HB 141

CONSUMER PROTECTION

Tuesday, January 28, 1997, 8:00 pm. Hearing Room 1.

To be considered - HB 87, HB 276, HB 82

CRIMINAL LAW

Wednesday, January 29, 1997, 8:00 pm. Hearing Room 7.

To be considered - HB 132, HB 91, HB 104, HJR 1

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 8. Organizational meeting

To be considered - HB 84, HJR 2, HB 108

EDUCATION - HIGHER

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 8. Organizational meeting

ELECTIONS

Tuesday, January 28, 1997, 8:00 pm. Hearing Room 7. Background on election contest.

To be considered - HB 172

ETHICS

Tuesday, January 28, 1997, 8:30 am. Hearing Room 7. Rules of Procedure

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, January 29, 1997, 9:00 am. Hearing Room 8

To be considered - HB 144, HB 56

INSURANCE

Tuesday, January 28, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 259, HB 156, HB 175

JUDICIARY

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 59, HB 96, HB 33

LABOR

Tuesday, January 28, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 43, HB 282

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 4. Executive Session May Follow.

AMENDED NOTICE

To be considered - HB 31, HB 173, HB 159, HB 99, HB 41

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, January 29, 1997, 8:00 pm. Hearing Room 5

To be considered - HB 167, HB 168, HB 212, HB 213, HB 310, HB 311, HB 315, HB 190

PUBLIC HEALTH AND SAFETY

Tuesday, January 28, 1997, 3:00 pm. Hearing Room 9.

To be considered - HB 72, HB 129, HB 153, HB 225, HB 232

RETIREMENT

Wednesday, January 29, 1997, 8:00 pm. Hearing Room 2.

To be considered - HB 169, HB 205, HB 314, HB 322

RULES, JOINT RULES AND BILLS PERFECTED AND PRINTED

Tuesday, January 28, 1997, 8:30 a.m. Hearing Room 5

To be considered - SCR 3, Executive Session May Follow

TRANSPORTATION

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 42, HB 93, HB 206, HB 207, HB 134

WAYS AND MEANS

Tuesday, January 28, 1997, 3:00 pm. Hearing Rooms 1 & 2. Testimony from the office of Administration, Budget and Planning.

To be considered - HB 86, HB 298

**HOUSE CALENDAR**

THIRTEENTH DAY, TUESDAY, JANUARY 28,1997

**HOUSE BILLS FOR SECOND READING**

HB 417 through HB 432

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# House Journal

## First Regular Session, 89th General Assembly

THIRTEENTH DAY, Tuesday, January 28, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Ice and snow bless the Lord." (Canticle of Creation. Daniel 3:57 to 88)

Gracious God: We may fuss at the ice and snow, but it has its beauty too. We saw the morning's sun glistening on icy branches while the earth enjoys its warm blanket of snow with its life-giving nitrogen.

We give thanks to you, our caring God, for people who care for us - those who clean off sidewalks and streets, start cars, care for elderly neighbors, staff members who brave the ice and snow to get to work. We give thanks as we wait patiently for Spring. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Mark Donnell.

The Journal of the twelfth day was approved as printed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Overschmidt Parker Patek Pouche

Pryor Ransdall Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Purgason

PRESENT: 000

ABSENT WITH LEAVE: 010

Donovan Goward Gunn Hand Kasten

Ostmann Reinhart Ridgeway Shear 83 Troupe

VACANCIES: 002

**RESOLUTIONS**

Representative Summers offered House Resolution Nos. 103 and 104, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Evans offered House Resolution Nos. 106 through 108, which were referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative May (108) offered House Resolution No. 109, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 417** through **HB 432** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **SCR 3**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **HR 105**, begs leave to report it has examined the same and recommends that pursuant to Rule 38 of the House Rules it has adopted Rules of Procedure for the investigation of complaints of ethical misconduct referred to it involving a member of the House and hereby submits said Rules of Procedure in the form of a House Resolution and recommends that House Resolution 105 **be adopted.**

HOUSE RESOLUTION NO. 105

Be it resolved, that the Rules of Procedure of the Committee on Ethics are adopted, as follows:

JANUARY, 1997

COMMITTEE ON ETHICS

RULES OF PROCEDURE

RULE 1. Scope and Authority - These Rules of Procedure govern the conduct of the investigation of complaints of ethical misconduct by a member of the House and are adopted pursuant to House Rule 38.

RULE 2. Definitions

As used in these rules, unless the context requires otherwise, the following words and terms shall have the following meanings, and the use of masculine gender shall include the feminine.

(1) Censure - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong, and which shall include punishment in the form of denying privileges of office, which recommendation is included as part of the committee's report and requires the presence of the respondent in the chamber during consideration and vote by the entire House on such resolution.

(2) Letter of Reproval - A sanction which expresses disapproval of conduct based on the appropriateness of such conduct by a legislator, regardless of whether the conduct constitutes a legal or moral wrong and is included as part of the committee's report.

(3) Reprimand - A sanction which recognizes the respondent's conduct constituted a legal or moral wrong and which may include punishment in the form of denying privileges of the office, which recommendation is included as part of the committee's report, is issued by the Speaker and the recommendation for reprimand is made a public record.

RULE 3. Quorums

A quorum exists when a majority of the members of the Committee are present.

RULE 4. Form of Complaints

A. All complaints filed with the Speaker against a member of the House shall be confidential and shall be referred to the Committee on Ethics within ten (10) days and shall be in writing and under oath, setting forth in simple, concise and direct statements:

(1) The name and legal address of the member or members acting as complainant;

(2) The name of the member of the House alleged to have engaged in the commission of a crime, misconduct, willful neglect of duty, corruption in office or other acts constituting ethical misconduct. "Misconduct", means:

(a) Any conduct constituting a legal or moral wrong which materially impairs the member's ability to perform the duties of his office or substantially impairs public confidence in the General Assembly;

(b) Any conduct constituting a conflict of interest under chapter 105, RSMo;

(c) The intentional filing of a false complaint or the filing of a complaint in reckless disregard of the truth.

(3) The nature of the alleged crime, misconduct, neglect, corruption or other unethical act, including when applicable, the specific law, rule, regulation or ethical standard violated;

(4) The facts alleged to have given rise to the violation; and

(5) Where the facts are alleged upon the information and belief of the complainant, the complaint shall so state and set forth the basis for such information and belief.

B. All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

RULE 5. Initial Examination of the Complaint by the Committee

A. Within thirty (30) days of the assignment of the complaint by the Speaker, the Committee shall determine if it is in compliance with Rule 4 of these Rules, and whether on the face of the complaint, the allegations contained therein are within the jurisdiction of the Committee, and if so, whether the allegations merit proceeding to a preliminary hearing. The complainant shall not act as a member of the Committee at a hearing in which the complainant is likely to be called as a necessary witness. A respondent shall not act as a member of the Committee for purposes of his complaint.

B. Complaints determined not to be in compliance with Rule 4 of these Rules shall be returned to the complainant with a general statement that it is not in compliance with the Rules of Procedure. The complaint may be resubmitted in the proper form.

C. Once a determination has been made that the complaint complies with Rule 4 of these rules, a majority of the Committee appointed shall vote by roll call to either:

(1) Defer action pending completion of any other administrative, disciplinary, commission, or judicial proceeding;

(2) Proceed to a preliminary hearing;

(3) Dismiss the complaint.

D. In determining whether or not to proceed the Committee shall consider the following:

(1) The credible evidence contained in the complaint or appended thereto of the commission of a crime, misconduct, willful neglect of duty, corruption in office, or other acts violating applicable ethical standards;

(2) Other administrative or disciplinary action by other interested bodies;

(3) Criminal investigation, Missouri Ethics Commission proceeding, or judicial proceedings, either civil or criminal; and

(4) Other relevant circumstances that would justify expediting, declining or deferring action by the Committee.

E. Complaints determined to be in compliance with Rule 4 of these Rules and accepted for a preliminary hearing shall be transmitted to the respondent with a copy of the Rules of Procedure and notice in writing that the respondent has twenty-one (21) calendar days to respond to the complaint either by way of answer or motion pursuant to Rule 6 of these Rules. The complainant shall also be notified, in writing, of the action of the Committee. Examination of the complaint and the determination of Rule 4.C. shall be conducted in a closed meeting.

RULE 6. Answers and Motions

A. If the Committee determines that the complaint merits proceeding to a preliminary hearing, the respondent shall have twenty-one (21) calendar days in which to respond to the complaint by way of answer or motion, unless this time period is waived by the respondent. Any answer or motion shall be in writing, signed by the respondent and his counsel, if he has one, and shall be limited to the following:

(1) An admission or denial under oath, of the allegations set forth in the complaint, including negative and affirmative defenses, and any other relevant information, including supporting evidence which the respondent may desire to submit;

(2) An objection to the jurisdiction of the Committee to investigate the complaint; or

(3) An objection to the participation of any member of the Committee in an investigation of the complaint on the grounds that the member cannot render an impartial and unbiased decision in the case. The majority of the members present shall rule on the objection to the participation of any member of the Committee. A temporary replacement shall be made to serve on the Committee on Ethics for all actions concerning a particular complaint for any member of the Committee who is prevented from acting on a complaint under these rules.

B. Any motion submitted pursuant to this rule is not in lieu of an answer and shall be accompanied by a memorandum of points and authorities. Answers or motions not submitted within the twenty-one (21) calendar-day-period shall not be considered by the Committee.

C. The Chairman of the Committee shall pass upon such motions as soon as practicable and notice of the decision shall be furnished to the respondent and the complainant. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

D. Time limitations imposed by this Rule may be extended when, in the discretion of the Chairman, such extension would facilitate a fair and complete inquiry and may be shortened when the Chairman determines that there are special circumstances compelling expedition, and upon twenty-four (24) hours notice of said action to the respondent and the claimant.

E. In the event that a special counsel is retained by the Committee, the attorney-client privilege is applicable to the Committee and not to the House.

RULE 7. Preliminary Hearings

A. A preliminary hearing may be held to hear arguments based on the pleadings submitted in the case. The preliminary hearing shall be an open meeting. The committee shall provide the complainant and the respondent or counsel for the complainant and respondent an opportunity to present, orally or in writing, a statement, which shall be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the pleadings. A complainant or respondent who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

B. The committee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by him to administer oaths. Members of the committee shall be give an opportunity to question the complainant and respondent or counsel for the complainant or respondent following the opening statements.

C. At the conclusion of the preliminary hearing, a majority of the Committee shall vote by roll call to either:

(1) Dismiss the complaint; or

(2) Proceed by

(a) undertaking an investigative hearing; or

(b) deciding the case based upon the preliminary hearing.

A decision based upon a preliminary hearing shall require the consent of the respondent.

D. If the committee decides to make a summary decision of the case and the respondent accepts this disposition the committee may, by a majority vote, recommend one of the following sanctions:

(a) Letter of reproval;

(b) Reprimand; or

(c) Censure.

RULE 8. Investigative Hearings

A. An investigative hearing may be held on the record to receive evidence upon which to base findings, conclusions, and recommendations, if any, to the House. The Committee may require, by subpoena or otherwise, or by subpoena duces tecum, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Committee may obtain a court-issued subpoena in the event that any person refuses to obey the subpoena issued by the Committee.

B. Prior to setting a hearing date and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearings. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearings the Committee may expand or contract the scope in light of evidence received.

C. The order of the investigative hearing shall be as follows:

(1) The Chairman shall open the hearing by stating the Committee's authority to conduct the investigation, the purpose of the investigation and its scope.

(2) The complainant and the respondent or counsel for the complainant and respondent shall be permitted to make opening statements. Such opening statements shall not exceed fifteen minutes.

(3) Testimony from witnesses and other evidence pertinent to the matter under investigation shall be received in the following order:

(a) Witnesses and other evidence offered by the complainant;

(b) Witnesses and other evidence offered by the respondent;

(c) Witnesses and other evidence offered by the Committee staff; and

(d) Rebuttal witnesses.

(4) The Chairman or his designee shall examine each witness. The Committee members may then question the witness. The respondent or his counsel may then cross-examine the witness. Redirect or recross examination may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, if he has one, and then may be cross-examined by the complainant or his counsel, if he has one, and then may be cross-examined by the Chairman or his designee. Committee members may then question the witness. Redirect and recross examination may be permitted in the Chairman's discretion

D. Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear or affirm that the testimony you will give before this committee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

RULE 9. Admissibility of Evidence

A. The object of the hearings shall be to ascertain the truth. Any evidence that is relevant and probative shall be admissible, unless privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

B. The Chairman or other member presiding shall rule upon any question of admissibility of testimony or evidence presented to the Committee. The Chairman or other member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

C. At an investigative hearing, the burden of proof is on the complainant with respect to each count to establish the facts alleged therein clearly and convincingly by the evidence that he introduces.

RULE 10. Witnesses

A. A subpoena to a witness shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

B. Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before his scheduled appearance.

C. Witnesses at investigative hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the Committee. After a witness has testified, his counsel may submit to the Committee, in writing, any questions he wishes propounded to his client and any request for additional witnesses or other evidence. Such request may be granted in the discretion of the Committee.

D. The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon good cause shown by the respondent that the proposed testimony or evidence is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

E. The respondent is entitled to present witnesses in his behalf. However, the chairman may limit such testimony when, in his discretion, he finds the testimony is repetitious or cumulative.

F. Each witness subpoenaed by the committee shall be reimbursed for those reasonable expenses approved by the Committee.

G. Each witness shall be furnished a printed copy of the Rules of Procedure and the pertinent provisions of the Rules of the House applicable to the rights of witnesses.

H. Within ten (10) calendar days before the scheduled investigative hearing, the Chairman shall notify the respondent, in writing, of the witnesses that are to appear before the Committee. Within five (5) calendar days before the scheduled investigative hearing, the respondent shall notify the Committee, in writing, of the witnesses that are to appear in his behalf. Additional witnesses may be brought before the Committee, in the discretion of the Chairman or other member presiding and upon good cause, if their whereabouts or existence were unknown to the respondent at the time for submission of the witness list to Committee.

RULE 11. Findings, Conclusions and Recommendations

A. At the completion of the preliminary hearing or investigative hearings, the Committee, by a majority vote of its members, shall, within forty-five (45) days, adopt a report stating its findings and conclusions on the complaint. The report shall be filed with the Chief Clerk of the House and shall be printed in the House Journal. In the event the Committee finds that the complaint is not well-founded, the report shall so state, and shall include a copy of a Letter of Reproval if the Committee authorized such sanction. In the event the Committee finds that the complaint is well-founded, the report shall state the Committee's recommendation in a resolution appended thereto.

B. The resolution shall state the Committee's findings and conclusions on each allegation in the complaint with the recommendation that the House:

(1) Expel the member as provided in Article III, Section 18 of the Missouri Constitution;

(2) Punish the member as provided in Article III, Section 18 of the Missouri Constitution, by reprimand on the adoption of the resolution, or by censure by the Speaker in open session; or

(3) Take no further action, stating the reasons therefor.

RULE 12. Matters not covered in these Rules of Procedure

The Rules of Procedure of the United States House of Representatives Committee on Standards of Official Conduct of the 103rd Congress shall be taken as guidelines in deciding questions, issues, and other matters not otherwise provided for in these Rules of Procedure, except that the Rules of the Missouri House of Representatives governing the party representation on committees shall apply to this Committee.

**SUPPLEMENTAL CALENDAR**

**Tuesday, January 28, 1997**

**SENATE CONCURRENT RESOLUTION**

SCR 3 - Backer (1-27- 97 pgs. 198 &199)

Speaker Gaw assumed the Chair.

**SENATE CONCURRENT RESOLUTION**

**SCR 3,** relating to compensation of elected officials, was taken up by Representative Backer.

On motion of Representative Backer, Rule 43 was suspended and **SCR 3**, was adopted by the following vote:

AYES: 129

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Berkstresser Boatright Bonner
Boucher Bray Broach Burton Campbell
Champion Chrismer Cierpiot Cooper Crawford
Crump Davis 122 Dolan Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Harlan
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Toole Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Relford Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear 83 Sheldon 104 Shields
Skaggs Smith Steen Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 015

Auer Bland Carter Daniel 42 Daniels 41
Davis 63 Days Dougherty Hagan-Harrell Hall
May 108 O'Connor Reynolds Shelton 57 Thompson 37

PRESENT: 006

Bauer Bennett 15 Clayton Copeland Heckemeyer
Stokan

ABSENT WITH LEAVE: 011

Donovan Ford Goward Gunn Hand
Kasten Ostmann Reinhart Ridgeway Troupe
Williams 121

VACANCIES: 002

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 433**, introduced by Representative McClelland, et al, relating to elections.
**HB 434**, introduced by Representative Smith, relating to tourism sales taxation.
**HB 435**, introduced by Representative Rizzo, relating to economic development.
**HB 436**, introduced by Representatives Rizzo and Campbell, relating to the regulation of bail bondsmen.
**HB 437**, introduced by Representatives Smith and Schwab, relating to certain agriculture transactions.
**HB 438**, introduced by Representative Fritts, relating to the establishment of the Wolfner library trust fund.
**HB 439**, introduced by Representative Pryor, et al, relating to sheltered workshops.
**HB 440**, introduced by Representatives Hartzler (123) and Boucher, et al, relating to income taxation.
**HB 441**, introduced by Representatives Kelley (47) and Long, et al, relating to income taxation.
**HB 442**, introduced by Representatives Hosmer and Auer, et al, relating to sales taxation.
**HB 443**, introduced by Representative Leake, et al, relating to a 911 service oversight committee.
**HB 444**, introduced by Representative O'Toole, relating to termite inspections.
**HB 445**, introduced by Representative Loudon, relating to providers of nutritional information.
**HB 446**, introduced by Representative Clayton, relating to employment security.
**HB 447**, introduced by Representative Hosmer, relating to claims against certain licensed professionals.
**HB 448**, introduced by Representative Hosmer, relating to the statute of limitations on certain tort actions.
**HB 449**, introduced by Representative Liese, relating to insurance receivership.
**HB 450**, introduced by Representative Green, relating to state building contracts.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, January 29, 1997.

**COMMITTEE MEETINGS**

AGRICULTURE

Wednesday, January 29, 1997, 3:00 pm. Hearing Rooms 3 & 4.
To be considered - HB 50

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY
Wednesday, January 29, 1997, 10:30 am. Hearing Room 7

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY
Thursday, January 30, 1997, 10:30 am. Hearing Room 7. Public Defender

APPROPRIATIONS - GENERAL ADMINISTRATION
Wednesday, January 29, 1997. Hearing Room 9 upon adjournment. MoDOT

APPROPRIATIONS - GENERAL ADMINISTRATION
Thursday, January 30, 1997. Hearing Room 9. Upon adjournment. Public testimony and Jackson Co. Sports Authority. AMENDED NOTICE

APPROPRIATIONS - HEALTH AND MENTAL HEALTH
Wednesday, January 29, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Health, Dept. of Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH
Thursday, January 30, 1997. Hearing Room 5 upon morning adjournment. Public testimony Dept. of Mental Health.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES
Wednesday, January 29, 1997. Hearing Room 8 upon adjournment. Dept. of Natural Resources (If Necessary) Dept.of Labor & Industrial Relations, Dept. of Insurance.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES
Thursday, January 30, 1997. Hearing Room 8 upon adjournment. Depts. of Natural Resources, Labor and Industrial Relations, Insurance

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS
Wednesday, January 29, 1997, 10:30 am. Hearing Rooms 1 and 2. Public testimony Dept. of Corrections, Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS
Thursday, January 30, 1997, 10:30 am. Hearing Rooms 1 & 2. Dept. of Corrections.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS
Monday, February 3, 1997, 12:00 pm. Hearing Rooms 1 & 2. Dept. of Social Services. Director's overview.

BUDGET

Wednesday, January 29, 1997, 8:30 am. Hearing Room 9. FY 1997

Supplemental Appropriations

BUDGET

Thursday, January 30, 1997, 8:30 am. Hearing Room 9. FY 1997

Supplemental Appropriations

CHILDREN, YOUTH, AND FAMILIES

Wednesday, January 29, 1997, 7:30 pm. Hearing Room 8. CORRECTED NOTICE

To be considered - HB 34, HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 58, HB 100, HB 113, HB 141

CRIMINAL LAW

Wednesday, January 29, 1997, 8:00 pm. Hearing Room 7. AMENDED NOTICE

To be considered - HB 91, HB 104, HJR 1, HB 119

EDUCATION - HIGHER

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 8. Organizational meeting.

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, January 29, 1997, 9:00 am. Hearing Room 8

To be considered - HB 144, HB 56

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, January 29, 1997, 8:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 167, HB 168, HB 212, HB 213, HB 310, HB 311, HB 190

RETIREMENT

Wednesday, January 29, 1997, 8:00 pm. Hearing Room 2.

To be considered - HB 169, HB 205, HB 314, HB 322

TRANSPORTATION

Wednesday, January 29, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 42, HB 93, HB 206, HB 207, HB 134

UTILITIES REGULATION

Thursday, January 30, 1997, 8:00 am. Hearing Room 5. Organizational meeting.

**HOUSE CALENDAR**

FOURTEENTH DAY, WEDNESDAY, JANUARY 29,1997

**HOUSE BILLS FOR SECOND READING**

HB 433 through HB 450

**HOUSE RESOLUTION**

HR 105, (1-28-97) - Clayton

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

FOURTEENTH DAY, Wednesday, January 29, 1997

Speaker Gaw in the Chair.

Prayer by Bishop Ann Scherer, United Methodist Church.

Gracious God, friend of the widow, the orphan, the alien, the vulnerable, we gather to consider the needs of your beloved people. Open our hearts to their cries of pain and enable us to respond with compassion and justice. Show us how to work together to achieve your purposes. Continue to guide us by your spirit and enable us to do that which is pleasing in your sight.

Bless our legislators and give them the gift of your love, presence and wisdom. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirteenth day was approved as corrected by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear 83 Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Hand Hickey Troupe Wannenmacher

VACANCIES: 002

**RESOLUTIONS**

Representative Wiggins offered House Resolution No. 110, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Holand offered House Resolution No. 111, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Wooten offered House Resolution No. 112, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution Nos. 113 through 116, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Leake offered House Resolution No. 117, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution Nos. 118 and 119, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 120, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reynolds, et al offered House Resolution No. 121, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Parker offered House Resolution No. 122, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Koller offered House Resolution No. 123, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 124.

Representative Hoppe offered House Resolution No. 125, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Burton offered House Concurrent Resolution No. 10.

**SECOND READING OF HOUSE BILLS**

**HB 433** through **HB 450** were read the second time.

**COMMITTEE REPORT**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123** and **125**, begs leave to report it has examined the same and recommends that they **Do Pass**.

**SIGNING OF SENATE CONCURRENT RESOLUTIONS**

All other business of the House was suspended while **SCR 1 and SCR 3** were read at length and, there being no objection, were signed by the Speaker to the end that they shall have the full force and effect of law.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 14** - Budget

**RE-REFERRAL OF HOUSE BILL**

The following House Bill was re- referred to the Committee indicated:

**HB 229** - Municipal Corporations

**COMMITTEE CHANGES**

The Speaker submitted the following Committee changes:

Representative Davis (63) has been appointed a member of the Criminal Law Committee.

Representative Gaskill has been appointed a member of the Labor Committee.

Representative Holand has been appointed a member of the Critical Issues Committee.

Representative Johnson has been appointed a member of the Correctional and State Institutions Committee.

Representative Kreider has been appointed a member of the Transportation Committee.

Representative Levin has been appointed a member of the Civil and Administrative Law Committee.

Representative Loudon has been appointed a member of the Criminal Law Committee.

Representative Overschmidt has been appointed a member of the State Parks, Natural Resources and Mining Committee.

Representative Relford has been appointed a member of the Appropriations-Natural and Economic Resources Committee.

Representative Smith has been appointed a member of the Critical Issues Committee.

Representative Bennett (15) is no longer a member of the Criminal Law Committee.

Representative Broach is no longer a member of the Civil and Administrative Law Committee.

Representative Champion is no longer a member of the Labor Committee.

Representative Daniels (41) is no longer a member of the Appropriations-Natural and Economic Resources Committee and the Correctional and State Institutions Committee.

Representative Rizzo is no longer a member of the State Parks, Natural Resources and Mining Committee.

Representative Schilling is no longer a member of the Criminal Law Committee.

Representative Riback Wilson is no longer a member of the Transportation Committee.

Representative Campbell is no longer a member of the Appropriations-General Administration Committee, and has been appointed a member of the Appropriations-Social Services and Corrections Committee.

Representative Rizzo is no longer a member of the Appropriations-Social Services and Corrections Committee, and has been appointed a member of the Appropriations-General Administration Committee.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 451**, introduced by Representative Wiggins, et al, relating to floodplain management.

**HB 452**, introduced by Representative Wiggins, et al, relating to the authorization of additional state bonds.

**HB 453**, introduced by Representative Wiggins, et al, relating to air conservation.

**HB 454**, introduced by Representatives Stokan and Murphy, relating to residential care facilities I and II.

**HB 455**, introduced by Representative May (108), relating to propane tank installation.

**HB 456**, introduced by Representative Fritts, relating to requirements for arbitration agreements.

**HB 457**, introduced by Representative Patek, relating to the consolidation of school districts.

**HB 458**, introduced by Representatives Shelton (57) and Farmer, relating to the circuit attorney, sheriff, recorder of deeds, license collector, treasurer, collector of revenue and circuit clerk of the city of St. Louis.

**HB 459**, introduced by Representative Shelton (57), relating to the issuance of motor vehicle and boat licenses.

**HB 460**, introduced by Representative Shelton (57), relating to certain gaming activities.

**HB 461**, introduced by Representatives Sallee and Marble, et al, relating to the prevailing wage.

**HB 462**, introduced by Representative Hohulin, relating to motor vehicles.

**HB 463**, introduced by Representative Hohulin, relating to the department of transportation.

**HB 464**, introduced by Representative Hohulin, relating to certain wildlife.

**HB 465**, introduced by Representative Dougherty, et al, relating to tax credits.

**HB 466**, introduced by Representatives Gratz and Steen, et al, relating to loading and unloading of school buses on certain highways.

**HB 467**, introduced by Representatives Ostmann and Smith, et al, relating to orders for disposition of treatment of children in juvenile court.

**HB 468**, introduced by Representatives Ostmann and Smith, et al, relating to the licensing of psychologists.

**HB 469**, introduced by Representative Overschmidt, et al, relating to public officers and employees.

**HB 470**, introduced by Representative Smith, relating to real property.

**HB 471**, introduced by Representative Mays (50), relating to the funding of utilicare and related energy assistance programs.

**HB 472**, introduced by Representative Luetkenhaus, relating to unemployment compensation.

**HB 473**, introduced by Representative Backer, et al, relating to public official activities.

**HB 474**, introduced by Representative Smith, relating to juvenile facilities.

**HB 475**, introduced by Representative Foley, relating to publicly owned sewer treatment works.

**HB 476**, introduced by Representative Lakin, relating to state income taxes.

**HB 477**, introduced by Representative Hoppe, relating to probation for misdemeanor and municipal ordinance violations.

**HB 478**, introduced by Representative Hoppe, relating to certain sports complex authorities.

**WITHDRAWAL OF HOUSE BILLS**

January 28, 1997

Anne Walker

Chief Clerk

Missouri House of Representatives

Dear Ms. Walker:

I hereby request that my bill, House Bill 72 be withdrawn.

Respectfully submitted,

/s/ Bill Boucher

January 30, 1997

The Honorable Steve Gaw

Speaker, MO House of Representatives

Capitol Building, Room 308

Jefferson City, MO 65101

Dear Speaker Gaw:

I am requesting that House Bill Number 395 (Changes Periods At The End Of Which State Tax Commission Makes

Certain Rules) be withdrawn.

Your immediate response to this request is greatly appreciated.

Respectfully submitted,

/s/ Philip G. Smith

State Representative

District 11

The following member's presence was noted: Representative Wannenmacher.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, January 30, 1997.

**CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Thirteenth Day, Tuesday, January 28, 1997, page 212, by inserting after line 40, the following: "The following members' presence were noted: Representatives Ridgeway and Goward".

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Thursday, January 30, 1997, 9:45 am. Side Gallery. Committee briefing.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, January 30, 1997, 10:30 am. Hearing Room 7. Public Defender

APPROPRIATIONS - GENERAL ADMINISTRATION

Thursday, January 30, 1997. Hearing Room 9. Upon adjournment. Public testimony and Jackson Co. Sports Authority. AMENDED NOTICE

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, January 30, 1997. Hearing Room 5 upon morning adjournment.

Public testimony Dept. of Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, February 3, 1997, 11:00 am. Hearing Room 5. Public testimony.

Dept. of Health budget presentation.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 4, 1997. Hearing Room 5 upon adjournment.

Dept. of Health budget presentation.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 5, 1997. Hearing Room 5 upon adjournment.

Dept. of Mental Health budget presentation.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, January 30, 1997. Hearing Room 8 upon adjournment. Depts. of

Natural Resources, Labor and Industrial Relations, Insurance CANCELLED

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, January 30, 1997, 10:30 am. Hearing Rooms 1 & 2. Dept. of Corrections.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 3, 1997, 12:00 pm. Hearing Rooms 1 & 2.

Dept. of Social Services. Director's overview.

BUDGET

Thursday, January 30, 1997, 8:30 am. Hearing Room 9.

FY 1997 Supplemental Appropriations

ENVIRONMENT AND ENERGY

Thursday, January 30, 1997, 8:30 am. Hearing Room 8. AMENDED NOTICE

To be considered - HB 238

UTILITIES REGULATION

Thursday, January 30, 1997, 8:00 am. Hearing Room 5. Organizational meeting.

**HOUSE CALENDAR**

FIFTEENTH DAY, THURSDAY, JANUARY 30,1997

**HOUSE BILLS FOR SECOND READING**

HB 451 through HB 478

**HOUSE RESOLUTION**

HR 105, (1-28-97, pgs. 206 through 211) - Clayton

**COURTESY RESOLUTIONS**

HR 84 - Bartelsmeyer

HR 85 - Skaggs

HR 86 - Williams (121)

HR 87 - Williams (121)

HR 88 - Hohulin

HR 89 - Kelly (27)

HR 90, through HR 96 - Lakin

HR 97 - Gibbons

HR 98 - Gibbons

HR 99 - Gibbons

HR 100 - Reinhart

HR 101 - Secrest

HR 102 - Secrest

HR 103 - Summers

HR 104 - Summers

HR 106, through HR 108 - Evans

HR 109 - May (108)

HR 110 - Wiggins

HR 111 - Holand

HR 112 - Wooten

HR 113, through HR 116 - Williams (159)

HR 117 - Leake

HR 118 - Richardson

HR 119 - Richardson

HR 120 - Graham (24)

HR 121 - Reynolds

HR 122 - Parker

HR 123 - Koller

HR 125 - Hoppe


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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

FIFTEENTH DAY, Thursday, January 30, 1997

Speaker Gaw in the Chair.

Prayer by Representative Seigfreid.

Please give us the knowledge we need to perform the tasks that lie ahead. Give each of us strength and courage to make wise and meaningful decisions. For knowledge is our greatest asset. Let us not waste it. Guide us in the direction that will benefit the people we represent. Help us to provide for those in need. As Franklin Roosevelt once said, "the test of our programs is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little."

We pray our programs will be successful. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fourteenth day was approved as printed by the following vote:

AYES: 154

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray

Broach Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Ballard Champion Hand Shear 83 Thompson 37

Townley Troupe

VACANCIES: 002

**RESOLUTIONS**

Representative Fritts offered House Resolution No. 126, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gross offered House Resolution No. 127, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kauffman (45) offered House Resolution No. 128, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 129, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 130, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 131, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 132, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 133, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Evans offered House Resolution No. 134, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Copeland offered House Resolution No. 135, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hegeman offered House Resolution No. 136, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 137, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bartelsmeyer offered House Resolution No. 138, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reynolds offered House Resolution No. 139, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Vogel offered House Resolution No. 140, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 141, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Dolan offered House Resolution No. 142, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Burton offered House Resolution No. 143, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Donovan offered House Resolution No. 144, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gunn offered House Resolution No. 145, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 146, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Hartzler (124) offered House Concurrent Resolution No. 11.

Representatives Cooper and Treadway offered House Concurrent Resolution No. 12.

**COURTESY RESOLUTIONS**

House Resolution Nos. 84 through 104, 106 through 123, and 125 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 84 through 104, 106 through 123, and 125 were adopted.

AYES: 148

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Bray Broach
Burton Campbell Carter Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Legan Levin Liese
Linton Lograsso Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear 83 Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Van Zandt Vogel Wannenmacher Wiggins Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard Boucher Champion Hand Harlan
Leake Loudon Reynolds Thompson 37 Townley
Treadway Troupe Williams 121

VACANCIES: 002

**SECOND READING OF HOUSE BILLS**

**HB 451** through **HB 478** were read the second time.

**REFERRAL OF HOUSE RESOULUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 69** - Miscellaneous Bills and Resolutions

**HR 124** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 10** - Ways and Means

**HJR 11** - Budget

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 61** - Judiciary

**HB 184** - Judiciary

**HB 208** - Municipal Corporations

**HB 214** - Motor Vehicle and Traffic Regulations

**HB 333** - Civil and Administrative Law

**HB 334** - Criminal Law

**HB 335** - Critical Issues

**HB 336** - Judiciary

**HB 337** - Federal-State Relations and Veterans Affairs

**HB 338** - Utilities Regulation

**HB 339** - Judiciary

**HB 340** - Local Government and Related Matters

**HB 341** - Governmental Organization and Review

**HB 342** - Budget

**HB 343** - Children, Youth and Families

**HB 344** - Education - Elementary and Secondary

**HB 345** - Governmental Ogranization and Review

**HB 346** - Ways and Means

**HB 347** - Ways and Means

**HB 348** - Ways and Means

**HB 349** - Municipal Corporations

**HB 350** - Environment and Energy

**HB 351** - Insurance

**HB 352** - Motor Vehicle and Traffic Regulations

**HB 353** - Insurance

**HB 354** - Miscellaneous Bills and Resolutions

**HB 355** - Professional Registration and Licensing

**HB 356** - Retirement

**HB 357** - Federal-State Relations and Veterans Affairs

**HB 358** - Environment and Energy

**HB 359** - Education - Elementary and Secondary

**HB 360** - Public Health and Safety

**HB 361** - Judiciary

**HB 363** - Local Government and Related Matters

**HB 364** - Judiciary

**HB 365** - Miscellaneous Bills and Resolutions

**HB 367** - Judiciary

**HB 368** - Judiciary

**HB 369** - Banks and Financial Institutions

**HB 370** - Local Government and Related Matters

**HB 371** - Education - Higher

**HB 372** - Children, Youth and Families

**HB 373** - Education - Elementary and Secondary

**HB 374** - Local Government and Related Matters

**HB 375** - Judiciary

**HB 376** - Utilities Regulation

**HB 377** - Education - Elementary and Secondary

**HB 378** - Judiciary

**HB 379** - Transportation

**HB 380** - Motor Vehicle and Traffic Regulations

**HB 381** - Transportation

**HB 382** - Education - Elementary and Secondary

**HB 383** - Professional Registration and Licensing

**HB 384** - Education - Elementary and Secondary

**HB 385** - Municipal Corporations

**HB 386** - Municipal Corporations

**HB 387** - Banks and Financial Institutions

**HB 388** - Critical Issues

**HB 389** - Motor Vehicle and Traffic Regulations

**HB 390** - Local Government and Related Matters

**HB 391** - Children, Youth and Families

**HB 392** - Local Government and Related Matters

**HB 393** - Ways and Means

**HB 394** - Motor Vehicle and Traffic Regulations

**HB 396** - Tourism, Recreation and Cultural Affairs

**HB 397** - Education - Elementary and Secondary

**HB 398** - Professional Registration and Licensing

**HB 399** - Judiciary

**HB 400** - Elections

**HB 401** - Elections

**HB 402** - Local Government and Related Matters

**HB 403** - Transportation

**HB 404** - Insurance

**HB 405** - Education - Elementary and Secondary

**HB 406** - Professional Registration and Licensing

**HB 407** - Elections

**HB 408** - Critical Issues

**HB 409** - Transportation

**HB 410** - Education - Elementary and Secondary

**HB 412** - Criminal Law

**HB 413** - Criminal Law

**HB 414** - Ways and Means

**HB 415** - Motor Vehicle and Traffic Regulations

**HB 416** - Motor Vehicle and Traffic Regulations

**RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 128** - Critical Issues

**INTRODUCTION OF HOUSE BILLS-APPROPRIATIONS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 1**, introduced by Representative Lumpe, to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds.

**HB 2**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof.

**HB 3**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of

higher education included therein.

**HB 4**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof.

**HB 6**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof.

**HB 9**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof.

**HB 10**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof.

**HB 11**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof.

**HB 12**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 479**, introduced by Representative Scheve, relating to motor vehicle safety inspection requirements.

**HB 480**, introduced by Representatives Bennett (15) and Cierpiot, et al, relating to the revocation of physicians' licenses.

**HB 481**, introduced by Representatives Troupe and Riback Wilson, et al, relating to education for inmates.

**HB 482**, introduced by Representative Franklin, relating to certain school retirement systems.

**HB 483**, introduced by Representative Seigfreid, relating to motor fuel taxation.

**HB 484**, introduced by Representative Shear, relating to dissolution of marriage.

**HB 485**, introduced by Representative Parker, relating to leaving the scene of an accident.

**HB 486**, introduced by Representative Parker, relating to criminal competency.

**HB 487**, introduced by Representative Parker, relating to victims of crime.

**HB 488**, introduced by Representative Parker, relating to election contests for certain judges.

**HB 489**, introduced by Representative Parker, relating to the death penalty.

**HB 490**, introduced by Representative Parker, relating to motor vehicle.

**HB 491**, introduced by Representatives Gaw, Mays (50), Graham (24), Gratz, Dougherty, Richardson, Gibbons, Griesheimer, Hohulin, Lumpe, Shelton (57), Kennedy, Overschmidt, Leake, Treadway, Fitzwater, Harlan, Bonner, Rizzo, Sheldon (104), Stoll, Chrismer, Backer, Kreider, Scheve, Crump, Days, Murray, Hagan-Harrell, Hickey, Riback Wilson, Farnen, Bauer, Foley, Green, Davis (122), Campbell, Barry, Kelly (27), Reynolds, Lawson, Liese, Hartzler (123), Van Zandt, Relford, Ransdall, O'Toole, Schilling, Bray, Hollingsworth, Smith, McLuckie, Luetkenhaus, Kissell, Monaco, Davis (63), Williams (121), Shear, Daniel (42), Wiggins, Naeger, Hosmer, Franklin, Parker, May (108), Johnson, Lakin, Tate, Clayton, Stokan, Stroker, Fritts, Koller, McBride, Skaggs, Copeland, Hoppe, Boucher, Farmer, Shields, Pryor, Ridgeway, Summers, Scott, Kelley (47), Lograsso, Broach, Cierpiot, Schwab, Kasten, Edwards-Pavia, Gross, Howerton, Barnett (4), Alter, Akin, Robirds, Hendrickson, Hartzler (124), Levin, Gaston, Patek, Secrest, Cooper, Dolan, Crawford, Reinhart, Purgason, Vogel, Berkstresser, Kasten, Pouche, Froelker, Hand, Burton, Legan, Marble, Ross, Nordwald, Evans, Boatright, Sallee, Holand, Enz, Elliott, Bennett (15), Hegeman, Wannenmacher, Foster, Kauffman and McClelland relating to sales and use taxes.

**HB 492**, introduced by Representatives Gross and Graham (106), et al, relating to the provision of certain property tax relief for certain persons.

**HB 493**, introduced by Representative Farnen, relating to certain institutions of higher education.

**HB 494**, introduced by Representatives Naeger and Hosmer, relating to health maintenance organizations.

**HB 495**, introduced by Representatives Backer and Kauffman, relating to public officers.

**HB 496**, introduced by Representative Lakin, relating to tampering with public records.

**HB 497**, introduced by Representatives Reynolds and Naeger, et al, relating to Medicaid pharmacy provider agreements.

**HB 498**, introduced by Representatives Pryor and Steen, et al, relating to prohibiting the congregation of boats.

**HB 499**, introduced by Representative Schilling, et al, relating to motor vehicles.

**HB 500**, introduced by Representative Boatright, et al, relating to the general assembly.

**HB 501**, introduced by Representative Bland, relating to limiting the powers of bounty hunters.

**HB 502**, introduced by Representative Hosmer, et al, relating to liens authorized for certain architectural or engineering services.

**HB 503**, introduced by Representative Hosmer, relating to partition suits.

**HB 504**, introduced by Representative Shields, relating to statute of limitations for disciplinary actions against professionally licensed persons.

**HB 505**, introduced by Representative Auer, relating to individual health insurance coverage.

**HB 506**, introduced by Representative Auer, relating to trade associations.

**HB 507**, introduced by Representative Rizzo, relating to municipal development.

**HB 508**, introduced by Representatives Stokan and Kelley (47), et al, relating to the creation of a shared care program in the division of aging for the care of the elderly.

**HB 509**, introduced by Representative Bland, relating to public assistance.

**HB 510**, introduced by Representative Froelker, relating to restricting funding for assisted suicide.

**HB 511**, introduced by Representative Graham (24), et al, relating to probation.

**HB 512**, introduced by Representative Hendrickson, relating to lobby reform and public officials.

**HB 513**, introduced by Representative Clayton, et al, relating to tax credits.

**WITHDRAWAL OF HOUSE BILL**

January 23, 1997

The Honorable Steve Gaw, Speaker

Missouri House of Representatives

Capitol Building, Room 308

Jefferson City, MO 65101

Dear Mr. Speaker:

This letter is a formal request to withdraw House Bill 366, relating to a sales tax exemption for food.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Bill Luetkenhaus

District 12

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, February 3, 1997.

**COMMITTEE MEETINGS**

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Monday, February 3, 1997, 1:00 pm. Hearing Room 7. Elementary and Secondary Education.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Tuesday, February 4, 1997, 10:30 am. Hearing Room 7. Elementary and Secondary Education. Public testimony.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 5, 1997, 10:30 am. Hearing Room 7. Dept. of Public Safety.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 6, 1997, 10:30 am. Hearing Room 7. Call back agencies if necessary.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 3, 1997, 1:00 pm. Hearing Room 9. State Auditor, Dept. of Revenue.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 5, 1997. Hearing Room 9 upon adjournment. Public debt, Office of Administration.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, February 3, 1997, 11:00 am. Hearing Room 5. Public testimony.
Dept. of Health budget presentation.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 4, 1997. Hearing Room 5 upon adjournment.
Dept. of Health budget presentation.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 5, 1997. Hearing Room 5 upon adjournment.
Dept. of Mental Health budget presentation.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, February 3, 1997, 1:00 pm. Hearing Room 8. Public testimony.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 4, 1997. Hearing Room 8 upon adjournment. Dept. of Economic Development.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 3, 1997, 12:00 pm. Hearing Rooms 1 & 2. Dept. of Social Services.

Director's overview.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 4, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 5, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 6, 1997. Hearing Rooms 1 & 2 upon adjournment.

Dept. of Social Services (if needed).

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 9. Executive Session

To be considered - HB 257

BUDGET

Tuesday, February 4, 1997, 8:30 am. Hearing Room 9. Mark-up on supplemental appropriations.

To be considered - HB 14

BUDGET

Wednesday, February 5, 1997, 8:30 am. Hearing Room 9. Mark-up on supplemental appropriations (if needed).

To be considered - HB 90, HB 110, HB 295, HJR 3, HB 14

BUDGET

Thursday, February 6, 1997, 8:30 am. Hearing Room 9. Continuation of mark-up on supplemental appropriations (if needed). Possible Executive Session

To be considered - HB 14

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 88, HB 89, HB 204, HB 250, HB 254, HB 268

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 4, 1997, 8:00 pm. Hearing Room 9.

To be considered - HB 150, HB 316, HB 325

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 8. School Foundation Formula Info. 3-4pm

To be considered - HJR 9, HB 202, HB 410

ELECTIONS

Tuesday, February 4, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 305, HEC 3

ETHICS

Tuesday, February 4, 1997. North side gallery upon adjournment. Caucus approval.

INSURANCE

Tuesday, February 4, 1997, 8:00 am. Hearing Room 8. AMENDED NOTICE

To be considered - HB 160, HB 183, HB 287, HB 246, HB 196, HB 195, HB 193

JUDICIARY

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 5. Executive Session May Follow.

To be considered - HB 148, HB 201, HB 33, HB 258, HB 26

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 73, HB 285, HB 124, HB 165, HB 218, HB 123, HB 136

PUBLIC HEALTH AND SAFETY

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 9.

To be considered - HB 330, HB 32, HB 106

STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 2.

To be considered - HB 327

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, February 3, 1997, 8:00 pm. Hearing Room 5. Department overview

Labor and Industrial Relations.

**HOUSE CALENDAR**

SIXTEENTH DAY, MONDAY, FEBRUARY 3,1997

**HOUSE BILLS FOR SECOND READING**

HB 479 through HB 513

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 1 through HB 4

HB 6

HB 9 through HB 12

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# House Journal

## First Regular Session, 89th General Assembly

SIXTEENTH DAY, Monday, February 3, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Make your ear attentive to wisdom". (Proverbs 2:2)

The annual media coverage of "Groundhog Phil", on February 2, in Pennsylvania, is a distraction from the perils of winter weather. I was thinking, irreverently, or irrelevantly, that Phil reminded me of so much of our social conduct: we stick our heads out cautiously, and check the outside to see which way the media are saying that the people out there are leaning.

Gracious God, may we learn from Phil to make the decisions in our lives based on what we see, what we sense, what we believe and not to be led by opinion polls, popular ideas which are taken for the truth just because they are repeated over and over or by editorials from people who themselves might not have all the facts or the fullness of wisdom. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the fifteenth day was approved as corrected by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 63 Davis 122 Days

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Thomason 163 Thompson 37

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer Carter Daniel 42 Ford Hand

Hoppe McBride Schwab Tate Townley

VACANCIES: 002

**RESOLUTIONS**

Representative Backer offered House Resolution No. 147.

Representative Koller offered House Resolution No. 148, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Marble offered House Resolution No. 149, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 150, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 151, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Clayton offered House Resolution No. 152, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 153, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crawford offered House Resolution No. 154, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Pryor offered House Resolution No. 155, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative VanZandt offered House Resolution No. 156, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barnett (4) offered House Resolution No. 157, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 479** through **HB 513** were read the second time.

**SECOND READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 1** through **HB 4**

**HB 6**

**HB 9** through **HB 12**

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1** - Budget

**HB 2** - Budget

**HB 3** - Budget

**HB 4** - Budget

**HB 6** - Budget

**HB 9** - Budget

**HB 10** - Budget

**HB 11** - Budget

**HB 12** - Budget

**HB 331** - Retirement

**HB 420** - Ways and Means

**HB 442** - Ways and Means

**HB 491** - Ways and Means

**COMMITTEE CHANGES**

The Speaker submitted the following Committee changes:

Representative Davis (63) has been appointed Vice-Chair of the Labor Committee, and is no longer a member of the Civil and Administrative Law Committee.

Representative Stokan is no longer a member of the Public Health and Safety Committee.

Representative Kissell has been appointed Vice-Chair of the Public Health and Safety Committee.

Representative Broach has been appointed a member of the Ways and Means Committee.

Representative Kennedy has been appointed a member of the Ways and Means Committee.

Representative Murray has been appointed Vice-Chair of the Civil and Administrative Law Committee, and is still a member of, but no longer Vice-Chair for the Labor Committee.

Representative Scheve is no longer a member of the Ways and Means Committee or the Municipal Corporations Committee.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 12**, introduced by Representative Green, relating to the maximum period for which the state may be obligated on lease of real property.

**INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 5**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof.

**HB 7**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof.

**HB 8**, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof.

**HB 13**, introduced by Representative Lumpe, to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 514**, introduced by Representatives Treadway, Chrismer, O'Connor and Edwards-Pavia, et al, relating to abortions.

**HB 515**, introduced by Representative Bray, relating to bi-state agency commissioners.

**HB 516**, introduced by Representatives Backer and Sheldon (104), relating to motor vehicle franchise practices.

**HB 517**, introduced by Representative Treadway, relating to the division of professional registration.

**HB 518**, introduced by Representative Treadway, relating to the division of professional registration.

**HB 519**, introduced by Representative O'Connor, relating to funerals and funeral directors.

**HB 520**, introduced by Representative Green, relating to the leasing of surplus public property to a private or government entity.

**HB 521**, introduced by Representative Fitzwater, relating to school districts.

**HB 522**, introduced by Representative Froelker, relating to income taxation.

**HB 523**, introduced by Representative Skaggs, relating to certain road districts.

**HB 524**, introduced by Representative Shields, et al, relating to the A+ schools program.

**HB 525**, introduced by Representative Pouche, relating to road benefit districts in certain counties.

**HB 526**, introduced by Representatives Koller and Richardson, et al, relating to campaign financial disclosures.

**HB 527**, introduced by Representative Relford, et al, relating to state aid for schools.

**HB 528**, introduced by Representative Wiggins, et al, relating to regulation of weights and measures.

**HB 529**, introduced by Representative Crump, relating to regional jail districts.

**WITHDRAWAL OF HOUSE BILL**

February 3, 1997

The Honorable Steve Gaw, Speaker

Missouri House of Representatives

Capitol Building, Room 308

Jefferson City, MO 65101

Dear Mr. Speaker:

I request House Bill 363 be withdrawn for consideration.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Larry Thomason

The following members' presence were noted: Representatives Carter and Schwab.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, February 4, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifteenth Day, Thursday, January 30, 1997, page 226, after line 14 the following:

**HOUSE RESOLUTION**

**HR 105**, relating to Ethic's Committee Rules of Procedure, was taken up by Representative Clayton.

On motion of Representative Clayton, **HR 105** was adopted by the following vote:

Pages 226 and 227, roll call, by showing Representatives Reynolds and Loudon voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Tuesday, February 4, 1997, 10:30 am. Hearing Room 7. Elementary and Secondary Education. Public testimony.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 5, 1997, 10:30 am. Hearing Room 7. Dept. of Public Safety

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 6, 1997, 10:30 am. Hearing Room 7. Call back agencies if necessary.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 5, 1997. Hearing Room 9 upon adjournment. Public debt,

Office of Administration.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 4, 1997. Hearing Room 5 upon adjournment. Dept. of Health budget presentation.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 5, 1997. Hearing Room 5 upon adjournment. Dept. of Mental Health budget presentation.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 4, 1997. Hearing Room 8 upon adjournment. Dept. of Economic Development.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 4, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 5, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 6, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services (if needed).

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 9. Executive Session.

To be considered - HB 257

BUDGET

Tuesday, February 4, 1997, 8:30 am. Hearing Room 9. Mark-up on supplemental appropriations.

To be considered - HB 14

BUDGET

Wednesday, February 5, 1997, 8:30 am. Hearing Room 9. Mark-up on supplemental appropriations (if needed).

To be considered - HB 90, HB 110, HB 295, HJR 3, HB 14

BUDGET

Thursday, February 6, 1997, 8:30 am. Hearing Room 9. Continuation of mark-up on supplemental appropriations (if needed). Possible Executive Session.

To be considered - HB 14

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 5, 1997, 7:30 pm. Hearing Room 8.

To be considered - Executive Session - HB 34, HB 126, HB 343, HB 441

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 88, HB 89, HB 204, HB 250, HB 254, HB 268

CONSUMER PROTECTION

Tuesday, February 4, 1997, 8:00 pm. Hearing Room 1.

To be considered - HB 209

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 4, 1997, 8:00 pm. Hearing Room 9.

To be considered - HB 150, HB 316, HB 325

CRIMINAL LAW

Wednesday, February 5, 1997, 8:00 pm. Hearing Room 7.

To be considered - HB 132, HB 95, HB 219, HB 37, HB 27

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 8. School Foundation Formula Info. 3-4pm.

To be considered - HJR 9, HB 202, HB 410

ELECTIONS

Tuesday, February 4, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 305, HEC 3

ETHICS

Tuesday, February 4, 1997. North side gallery upon adjournment. Caucus approval.

INSURANCE

Tuesday, February 4, 1997, 8:00 am. Hearing Room 8. AMENDED NOTICE.

To be considered - HB 160, HB 183, HB 287, HB 246, HB 196, HB 195, HB 193

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, February 4, 1997, 9:00 am. Senate Conference Rooms 2 and 3.

JUDICIARY

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 5. Executive Session May Follow.

To be considered - HB 148, HB 201, HB 33, HB 258, HB 26

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 4. Executive Session May Follow.

To be considered - HB 390

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 5, 1997, 9:00 am. Hearing Room 7. Executive Session May Follow.

To be considered - HB 354, HB 365, HR 69, HR 124

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 7.

Executive Session May Follow. AMENDED NOTICE

To be considered - HB 73, HB 285, HB 124, HB 218, HB 123, HB 136

PUBLIC HEALTH AND SAFETY

Tuesday, February 4, 1997, 3:00 pm. Hearing Room 9.

To be considered - HB 330, HB 32, HB 106

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 4, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 174, HB 215, HB 145, HB 267

STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 2.

To be considered - HB 327

TRANSPORTATION

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 5. Executive Session to Follow.

To be considered - HB 194, HB 379, HB 381

WAYS AND MEANS

Tuesday, February 4, 1997, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE.

To be considered - HB 28, HB 67, HB 142, HB 170, HB 393, HB 491, HB 420, HB 442

**HOUSE CALENDAR**

SEVENTEENTH DAY, TUESDAY, FEBRUARY 4, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 12

**HOUSE BILLS FOR SECOND READING**

HB 514 through HB 529

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 5

HB 7

HB 8

HB 13

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTEENTH DAY, Tuesday, February 4, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Forgive us, for we ourselves forgive everyone indebted to us". (Luke 11:4)

"Ice Melt and Sand Bags." I saw that advertising sign outside a store during the worst of our recent bad weather. Lord, we pray this morning for the gift of allowing you to help us get out of the way so that your Spirit can move the ice from our hearts which keep us cold toward those we do not like or understand. We pray that we would put our shoulder to the work of moving the sandbags which keep us from seeing the other people around us, shut off by our fears, our prejudices, and our unwillingness to examine what keeps us blind behind the barriers we put up to shut the other out. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sara Harper, Will Jackson, Emily Simpson and Christy Whiteside.

The Journal of the sixteenth day was approved as corrected by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Thomason 163 Thompson 37

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 001

Fitzwater

ABSENT WITH LEAVE: 004

Bartelsmeyer Hand Tate Townley

VACANCIES: 002

**RESOLUTIONS**

Representative Foster offered House Resolution No. 158, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 159, which was referred to the Committee on Miscellaneous

Bills and Resolutions.

Representative Gaw offered House Resolution No. 160.

Representative Enz offered House Resolution No. 161, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 162, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 12** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 514** through **HB 529** were read the second time.

**SECOND READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 5, HB 7, HB 8** and **HB 13** were read the second time.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 160** - Miscellaneous Bills and Resolutions

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 14**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 14, page 2, section 14.025, by inserting immediately thereafter one new section to read as follows:

"Section 14.029. To the Department of Higher Education

For distribution to Ozarks Technical Community College

From General Revenue Fund.....$554,915"

and further amend said bill, page 4, Section 14.100, line 6, by deleting the figure "$34,878" and inserting in lieu thereof the figure "$58,130"; and further amend said section, line 10 by deleting the figure "$268,396" and inserting in lieu thereof the figure "$291,648"; and further amend said bill, page 5, Section 14.115, line 4, by deleting the figure "$11,175" and inserting in lieu thereof the figure "$14,900"; and further amend said section, line 5 by deleting the figure "$205,500" and inserting in lieu thereof the figure "$235,300"; and further amend said section, line 6, by deleting the figure "$216.675" and inserting in lieu thereof the figure "$250,200"; and further amend said bill, page 4, Section 14.120, line 5, by deleting the figure "$1,457,402" and inserting in lieu thereof the figure "$1,471,089; and further amend said section, line 6 by deleting the figure $473,613" and inserting in lieu thereof the figure "$476,676"; and further amend said section, line 7, by deleting the figure "$1,931,015" and inserting in lieu thereof the figure "$1,947,765".

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred the request of the **FRESHMAN CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to Section 105.470 .4(2)(c)d RSMo.**

TO: Robert M. Clayton, lll, Chairman

House Ethics Committee

FROM: Randall Relford, Freshman Caucus Chairman

DATE: January 30, 1997

The Freshman Caucus, made up of men and women from both parties, wish to be recognized and approved as a work group to do the following:

a. Educate all Freshman Legislators to the various tasks and responsibilities of members in the House

b. Provide support to all newly elected members during the session

c. Provide certain educational and social events during the session

d. Dues for this organization will be $25.00 for the session

The following people are members of the Freshman Caucus for the 89th General Assembly:

Representatives District

/s/ Barry, Joan 100

/s/ Bauer, Tom 65

/s/ Berkstresser, Judy 141

/s/ Campbell, Marsha 39

/s/ Crawford, Larry 117

/s/ Davis, D. J. 122

/s/ Dolan, Jon 13

/s/ Fritts, Charlie 125

/s/ Gaston, Doug 147

/s/ Graham, Chuck 24

/s/ Holand, Roy 135

/s/ Hollingsworth, Kate 101

/s/ Johnson, M. E. (Rocky) 107

/s/ Kennedy, Harry 66

/s/ Lawson, Maurice 29

/s/ Miller, Ronnie 133

/s/ Monaco, Ralph 49

/s/ Parker, Kelly 150

/s/ Patek, Jewell 7

/s/ Purgason, Chuck 151

/s/ Ransdall, Bill 148

/s/ Reinhart, Annie 34

/s/ Relford, Randall 6

/s/ Seigfreid, Jim 26

/s/ Stroker, Carol 78

/s/ Townley, Merrill 112

/s/ Wilson, Vicky Riback 25

Mr. Speaker: Your Committee on Ethics, to which was referred the request of the **MISSOURI DEMOCRATS FOR LIFE CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to section 105.470.4(2)(c)d RSMo.**

TO: Rep. Robert Clayton, Chairman

House Ethics Committee

FROM: Rep. David L. Reynolds

DATE: January 27, 1997

RE: Missouri Democrats for Life Caucus

In accordance with Section 105.470. 4(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the "Missouri Democrats for Life Caucus".

Representatives District

/s/ Auer, Ron 59

/s/ Barry, Joan 100

/s/ Bonner, Dennis 51

/s/ Crump, Wayne 152

/s/ Farnen, Ted 21

/s/ Foley, James 81

/s/ Goward, Russell 60

/s/ Gratz, Bill 113

/s/ Green, Tim 73

/s/ Hickey, John 80

/s/ Hoppe, Tom 46

/s/ Johnson, M. E. (Rocky) 107

/s/ Kennedy, Harry 66

/s/ Kissell, Don 17

/s/ Leake, Sam 9

/s/ Liese, Chris 85

/s/ Luetkenhaus, Bill 12

/s/ Murray, Dana 69

/s/ O'Connor, Pat 79

/s/ O'Toole, Jim 68

/s/ Overschmidt, Francis 110

/s/ Reynolds, David 77

/s/ Sheldon, Norman 104

/s/ Stoll, Steve 103

/s/ Treadway, Joe 96

/s/ Wiggins, Gary 8

Mr. Speaker: Your Committee on Ethics, to which was referred the request of the **SOUTHWEST MISSOURI REPUBLICAN LEGISLATIVE CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to section 105.470 .4(2)(c)d RSMo.**

DATE: January 21, 1997

TO: Rep. Robert Clayton, Chairman

Ethics Committee

FROM: Rep. T. Mark Elliott, Chairman

Southwest Missouri Republican Legislative Caucus

RE: **Southwest Missouri Republican Legislative Caucus**

In accordance with Section 105.470 and the rules of the House of Representatives, a listing of members of the 89th General Assembly's House of Representatives Southwest Missouri Republican Legislative Caucus is attached.

Consider this letter a formal application to the Committee on Ethics to establish this Caucus, the commonality of interest, the advantages of forming this Caucus, and the regularity of our meetings.

Caucus Leadership members are as follows: T. Mark Elliott, Chairman; Ken Legan, Vice Chairman; and Charlie Ballard, Keeper of the Hounds. Please contact me at 751-5458 if you have any questions concerning this Caucus organization. I shall serve as the designated member to present this Caucus to Committee.

SOUTHWEST MISSOURI LEGISLATIVE CAUCUS

Representatives District Representatives District

/s/ T. Mark Elliott 127 /s/ Ken Legan 145

/s/ Charlie Ballard 140 /s/ Gary Marble 130

/s/ Linda Bartelsmeyer 132 /s/ Mary Lou Sallee 144

/s/ Estel Robirds 143 /s/ Gary Burton 128

/s/ Jim Howerton 120 /s/ Delbert Scott 119

/s/ Sam Gaskill 131 /s/ Bubs Hohulin 126

/s/ Chuck Surface 129 /s/ Ronnie Miller 133

/s/ Beth Long 146 /s/ Doug Gaston 147

/s/ Chuck Wooten 137 /s/ Dr. Roy Holand 135

/s/ Judy Berkstresser 141 /s/ Chuck Purgason 151

/s/ Norma Champion 134 /s/ Phil Wannenmacher 139

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 13**, introduced by Representative Scheve, relating to bingo.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 530**, introduced by Representatives Harlan, Naeger and Holand, relating to the regulation and licensing of clinical perfusionists.

**HB 531**, introduced by Representative Scheve, relating to emergency services.

**HB 532**, introduced by Representative Scheve, relating to bingo.

**HB 533**, introduced by Representative Robirds, relating to sales taxation.

**HB 534**, introduced by Representative McBride, relating to arrests by conservation agents.

**HB 535**, introduced by Representative Gaskill, relating to certain crimes involving alcohol.

**HB 536**, introduced by Representative Williams (121), relating to public drinking water.

**HB 537**, introduced by Representatives Levin, Green, Long and Lumpe, relating to election dates.

**HB 538**, introduced by Representatives Scheve and Farnen, et al, relating to the challenge scholarship program for higher education.

**HB 539**, introduced by Representatives Scheve and Troupe, relating to payment for drugs for off-label use.

**HB 540**, introduced by Representative Bray, relating to guardianship of a minor.

**HB 541**, introduced by Representative Dougherty, relating to licensing of certain social workers.

**HB 542**, introduced by Representative Farnen, relating to the construction of a correctional facility in a city located in at least four counties.

**HB 543**, introduced by Representative Franklin, relating to certain state retirement systems.

**HB 544**, introduced by Representative Leake, et al, relating to certain county officers.

**HB 545**, introduced by Representative Luetkenhaus, et al, relating to the regulation of abortion.

**HB 546**, introduced by Representatives Ross and Lograsso, relating to school bonding limitations.

**HB 547**, introduced by Representatives Gross and Lumpe, et al, relating to certain operations of government.

**HB 548**, introduced by Representative Campbell, relating to civil immunity for certain volunteers.

**HB 549**, introduced by Representative Akin, relating to taxation.

**HB 550**, introduced by Representatives Kissell and Liese, relating to airports.

**HB 551**, introduced by Representative Thomason, relating to neighborhood improvement districts.

**WITHDRAWAL OF HOUSE BILL**

February 4, 1997

Speaker Steve Gaw

House Post Office

State Capitol

Jefferson City, MO 65101

Dear Steve:

I respectfully request that my House Bill 507 be withdrawn as of this date.

Thanking you in advance for your consideration, I remain

Very truly yours,

/s/ Henry Rizzo

State Representative

District #40

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, February 5, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixteenth Day, Monday, February 3, 1997, page 240, line 13, by deleting said line, and inserting in lieu thereof the following:

The following members' presence were noted: Representatives Carter, Ford and Schwab.

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Monday, February 10, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 211

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 5, 1997, 10:30 am. Hearing Room 7. Dept. of Public Safety.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 6, 1997, 10:30 am. Hearing Room 7. Call back agencies if necessary.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 5, 1997. Hearing Room 9 upon adjournment. Public debt,

Office of Administration.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 5, 1997. Hearing Room 5 upon adjournment. Dept. of Mental Health budget

presentation.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 5, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 6, 1997. Hearing Rooms 1 & 2 upon adjournment. Dept. of Social Services

(if needed).

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 10, 1997, 1:00 pm. Hearing Rooms 1 and 2. Committee mark-up.

To be considered - HB 11, HB 9

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 9. Executive Session

To be considered - HB 257

BUDGET

Wednesday, February 5, 1997, 8:30 am. Hearing Room 9. Mark-up on supplemental appropriations (if needed).

To be considered - HB 90, HB 110, HB 295, HJR 3, HB 14

BUDGET

Thursday, February 6, 1997, 8:30 am. Hearing Room 9. Continuation of mark-up on supplemental appropriations. Possible Executive Session. CANCELLED

To be considered - HB 14

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 5, 1997, 7:30 pm. Hearing Room 8. CORRECTED NOTICE

To be considered - Executive Session - HB 34, HB 126, HB 343, HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 88, HB 89, HB 204, HB 250, HB 254, HB 268

CRIMINAL LAW

Wednesday, February 5, 1997, 8:00 pm. Hearing Room 7.

AMENDED Executive Session May Follow.

To be considered - HB 132, HB 95, HB 219, HB 37, HB 27

ENVIRONMENT AND ENERGY

Thursday, February 6, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 135, HB 151

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 5, 1997, 9:00 am. Hearing Room 7. Executive Session May Follow.

To be considered - HB 354, HB 365, HR 69, HR 124, HR 160

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Wednesday, February 5, 1997, 3:30 pm. House Chamber side gallery.

Executive Session May Follow.

To be considered - HB 516

MUNICIPAL CORPORATIONS

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 7. AMENDED NOTICE

To be considered - HB 229, HB 328

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 5, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 309, HB 315, HB 266, HB 260

RETIREMENT

Wednesday, February 5, 1997, 8:00 pm. Hearing Room 2. Possible Executive Session.

To be considered - HB 331, HB 356

STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 2

To be considered - HB 327

TRANSPORTATION

Wednesday, February 5, 1997, 3:00 pm. Hearing Room 5. Executive Session to Follow.

To be considered - HB 194, HB 379, HB 381

URBAN AFFAIRS

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 2. Executive Session May Follow.

To be considered - HB 62, HB 252

UTILITIES REGULATION

Thursday, February 6, 1997, 8:00 am. Hearing Room 5. AMENDED NOTICE

To be considered - HB 376, HB 338

**HOUSE CALENDAR**

EIGHTEENTH DAY, WEDNESDAY, FEBRUARY 5, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 13

**HOUSE BILLS FOR SECOND READING**

HB 530 through HB 551

**HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 14, HCA 1 - Lumpe

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# House Journal

## First Regular Session, 89th General Assembly

EIGHTEENTH DAY, Wednesday, February 5, 1997

Speaker Gaw in the Chair.

Prayer by Representative David Levin.

President Thomas Jefferson, March 4, 1805, offered *A National Prayer for Peace*:

Almighty God, Who has given us this good land for our heritage; We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable ministry, sound learning, and pure manners.

Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitude brought hither out of many kindreds and tongues.

Endow with Thy spirit of wisdom those to whom in Thy Name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Thy law, we may show forth Thy praise among the nations of the earth.

In time of prosperity fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all of which we ask in your name, our Lord. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Maria Manevich, Kathrine Pavlova, Ann Alekseyva, Lyuba Smirnova, Igor Sokolov and Olga Usatova.

The Journal of the seventeenth day was approved as printed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Thomason 163 Thompson 37
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Hand Kasten Kelley 47 Tate Townley

VACANCIES: 002

**RESOLUTIONS**

Representative Miller offered House Resolution No. 164, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 165, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 166.

Representative Fitzwater offered House Resolution No. 167, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 168, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stoll offered House Resolution No. 169, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution No. 170, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ford offered House Resolution No. 171, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Boucher offered House Concurrent Resolution No. 13.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 13** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 530** through **HB 551** were read the second time.

**COMMITTEE REPORTS**

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **House Election Contest 3**, begs leave to report it has examined the same and recommends that **House Resolution No. 163 Be Adopted.**

HOUSE RESOLUTION NO. 163

WHEREAS, Michael R. Frame has filed a verified petition for a contest of the election held November 5, 1996 for the office of State Representative from the One Hundred Fifth District of the Missouri House of Representatives; and

WHEREAS, the House of Representatives has exclusive jurisdiction over all election contests for the office of State Representative; and

WHEREAS, it is the duty of the House, pursuant to section 115.589 RSMo (1994), to "hear and determine each contest at the earliest opportunity after the official announcement of the results of the election has been made".

NOW, THEREFORE BE IT RESOLVED that we, the members of the Missouri House of Representatives, Eighty-Ninth General Assembly, do order, under the hand of the Speaker of the House, the county clerks of Franklin and

Jefferson counties to conduct a machine recount of all votes cast and counted in the 105th District Representative race in Franklin and Jefferson Counties according to the stipulations agreed to by Michael R. Frame and Marilyn Edwards through counsel (parties) contained in the Secretary of State's Response to Verified Petition dated January 27, 1997.

NOW, THEREFORE BE IT FURTHER RESOLVED that we, the members of the Missouri House of Representatives, Eighty-Ninth General Assembly, do order, under the hand of the Speaker of the House, that, in addition to the observers specified in the Secretary of State's Response to Verified Petition dated January 27, 1997, that the recount be observed by a representative of the Secretary of State, two Democratic members of the Elections Committee selected by the chair of the committee, two Republican members of the Elections Committee selected by the chair of the committee, and two staff members of the Missouri House of Representatives.

NOW, THEREFORE BE IT FURTHER RESOLVED that we, the members of the Missouri House of Representatives, Eighty-Ninth General Assembly, do order, under the hand of the Speaker of the House, that the recount occur at a time convenient to all parties, observers, and election authorities and move sequentially from Franklin to Jefferson County.

NOW, THEREFORE BE IT FURTHER RESOLVED that we, the members of the Missouri House of Representatives, Eighty-Ninth General Assembly, do order, under the hand of the Speaker of the House, the county clerks of Franklin and Jefferson counties to make a written and signed report of their findings to the Secretary of State.

NOW, THEREFORE BE IT FURTHER RESOLVED that we, the members of the Missouri House of Representatives, Eighty-Ninth General Assembly, do order, under the hand of the Speaker of the House, that the Secretary of State certify the results of the recount to the Elections Committee of the Missouri House of Representatives within five days of receiving recount findings from the county clerks of Franklin and Jefferson counties.

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. HR 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, 162, 164, 165, 167, 168, 169** and **170**, begs leave to report it has examined the same and recommends that they **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 69**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 69

WHEREAS, the General Assembly has a long tradition of rendering assistance to those programs aimed at developing outstanding qualities of both citizenship and leadership; and

WHEREAS, the Missouri Jaycees organization has sought to give its members a unique opportunity to develop valuable leadership skills while familiarizing themselves with the Democratic process through its excellent mock legislature program; and

WHEREAS, the Missouri Jaycees is planning to conduct its Thirtieth Mock Legislature at our State Capitol during November 8 and 9, 1997; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the Missouri Jaycees permission to use the House Chamber for the purpose of conducting its Thirtieth Annual Mock Legislature during the dates of November 8 and 9, 1997.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 124**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 124

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the processes of democratic government through a format of direct role playing experience; and

WHEREAS, during June 8-14, 1997, the American Legion Auxiliary, Department of Missouri, is conducting the 56th annual session of Missouri Girls State at William Woods University in Fulton; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the House Chamber at our State Capitol, where participants gather each year to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the adult leaders and participants of the 56th Session of Missouri Girls State permission to use the House Chamber for the purpose of swearing in mock legislative officials on the afternoon of June 10, 1997, from 1:15 p.m. to 3:15 p.m.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 160**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 160

WHEREAS, the members of the Missouri House of Representatives are always proud to support those initiatives and programs aimed at increasing understanding between the government of this great state and the people it serves; and

WHEREAS, the 1997 **Capitol Connection Teleconference** is scheduled to be conducted in the House Chamber on February 7, at which time Governor Mel Carnahan, House Speaker Steve Gaw, and Senate President Pro Tem Bill McKenna will join with host Brent Ghan in presenting a special interactive teleconference aimed at high school and junior high school students; and

WHEREAS, students from across Missouri will gather in the House Chamber to ask questions of state leaders and to engage in a meaningful, informative dialogue that will be broadcast live to schools around the state, where many more students will have an opportunity to phone or fax in questions; and

WHEREAS, the annual **Capitol Connection Teleconference**, sponsored by the Education Satellite Network, provides students with a unique opportunity to discuss issues that are of importance to them relating to our state government and its leaders, and provides a valuable, educational experience for all participants:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the Education Satellite Network and all the participants of the upcoming **Capitol Connection Teleconference** permission to use the House Chamber for the purpose of conducting this worthwhile educational conference from 1:00 p.m. until 2:00 p.m. on February 7, 1997.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 147** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 5** - Budget

**HB 7** - Budget

**HB 8** - Budget

**HB 13** - Budget

**COMMITTEE CHANGES**

The Speaker submitted the following changes:

Representative Barry has been appointed a member of the Children, Youth and Families Committee.

Representative Franklin has been appointed a member of the Retirement Committee, and is no longer a member of the Children, Youth and Families Committee.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 552**, introduced by Representative Kelley (47), relating to speed limits on certain roads.

**HB 553**, introduced by Representative Kelley (47), relating to motor vehicles.

**HB 554**, introduced by Representative Kelley (47), relating to crime of unlawful use of weapons.

**HB 555**, introduced by Representative Shelton (57), relating to certain gaming activities.

**HB 556**, introduced by Representative Boucher, et al, relating to educational activities.

**HB 557**, introduced by Representatives Leake, Wiggins and Tate, relating to economic development.

**HB 558**, introduced by Representative Carter, relating to the practice of chiropractic.

**HB 559**, introduced by Representative Green, et al, relating to membership of credit unions.

**HB 560**, introduced by Representatives Lakin and Naeger (155), relating to testing for phenylketonuria.

**HB 561**, introduced by Representative Sallee, relating to liquor licenses.

**HB 562**, introduced by Representative Goward, relating to sales and use taxation.

**HB 563**, introduced by Representative Scheve, et al, relating to insurance coverage for persons who are seriously mentally ill.

**HB 564**, introduced by Representative Richardson, et al, relating to county prosecutors.

**HB 565**, introduced by Representative Stoll, et al, relating to certain public school retirement systems.

**HB 566**, introduced by Representative Treadway, relating to school bus drivers.

**HB 567**, introduced by Representative Luetkenhaus, relating to workers' compensation.

**HB 568**, introduced by Representatives Graham (24), Hosmer and Troupe, relating to the licensing of massage therapy.

**HB 569**, introduced by Representative Hosmer, et al, relating to marriage solemnization.

**HB 570**, introduced by Representative Stoll, et al, relating to school buses.

**WITHDRAWAL OF HOUSE BILL**

February 5, 1997

Anne Walker

Chief Clerk of the House of Representatives

House Post Office

Jefferson City, MO 65101

Dear Ms. Walker:

I request that House Bill 531, which I filed February 4, 1997, be withdrawn.

Respectfully submitted,

/s/ May E. Scheve

State Representative

District 98

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, February 6, 1997.

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Monday, February 10, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 211

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 6, 1997, 10:30 am. Hearing Room 7. Call back agencies if necessary.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 10, 1997, 1:00 pm. Hearing Room 9. Mark-up.

To be considered - HB 1, HB 4

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Thursday, February 6, 1997. Hearing Room 8 upon adjournment. Dept. of Natural Resources,

Dept. of Agriculture.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 6, 1997. Hearing Rooms 1 & 2 upon adjournment.

Dept. of Social Services (if needed).

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 10, 1997, 1:00 pm. Hearing Rooms 1 and 2. Committee mark-up.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 11, 1997. Hearing Rooms 1 and 2 upon adjournment. Committee mark-up.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 12, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 13, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 9. Executive Session.

To be considered - HB 369

BUDGET

Thursday, February 6, 1997, 8:30 am. Hearing Room 9. Continuation of mark-up on supplemental appropriations. Possible Executive Session. CANCELLED

To be considered - HB 14

BUDGET

Tuesday, February 11, 1997, 8:30 am. Hearing Room 9.

To be considered - HB 90, HB 110, HB 295, HB 278, HB 342

ENVIRONMENT AND ENERGY

Thursday, February 6, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 135, HB 151

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, February 10, 1997, 8:00 pm. Hearing Room 9. Executive Session May Follow.

To be considered - HB 51, HB 396

URBAN AFFAIRS

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 2. Executive Session May Follow.

To be considered - HB 62, HB 252

UTILITIES REGULATION

Thursday, February 6, 1997, 8:00 am. Hearing Room 5. AMENDED NOTICE

To be considered - HB 376, HB 338

**HOUSE CALENDAR**

NINETEENTH DAY, THURSDAY, FEBRUARY 6, 1997

**HOUSE BILLS FOR SECOND READING**

HB 552 through HB 570

**HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HB 14, HCA 1 - Lumpe

**HOUSE RESOLUTIONS**

HR 163, (2-5-97) - Days

HR 69, (2-5-97) - Hosmer

HR 124, (2-5-97) - Liese

HR 160, (2-5-97) - Gaw

**COURTESY RESOLUTIONS**

HR 126 - Fritts

HR 127 - Gross

HR 128 - Kauffman

HR 129 - Fitzwater

HR 130 - Fitzwater

HR 131 - Fitzwater

HR 132 - Fitzwater

HR 133 - Fitzwater

HR 134 - Evans

HR 135 - Copeland

HR 136 - Hegeman

HR 137 - Williams (121)

HR 138 - Bartelsmeyer

HR 139 - Reynolds

HR 140 - Vogel

HR 141 - Graham (24)

HR 142 - Dolan

HR 143 - Burton

HR 144 - Donovan

HR 145 - Gunn

HR 146 - Graham (24)

HR 148 - Koller

HR 149 - Marble

HR 150 - Williams (159)

HR 151 - Summers

HR 152 - Clayton

HR 153 - Fitzwater

HR 154 - Crawford

HR 155 - Pryor

HR 156 - Van Zandt

HR 157 - Barnett (4)

HR 158 - Foster

HR 159 - Liese

HR 161 - Enz

HR 162 - Campbell

HR 164 - Miller

HR 165 - Williams (121)

HR 167 - Fitzwater

HR 168 - Kennedy

HR 169 - Stoll

HR 170 - Relford

HR 171 - Ford

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# House Journal

## First Regular Session, 89th General Assembly

NINETEENTH DAY, Thursday, February 6, 1997

Speaker Gaw in the Chair.

Prayer by Representative Marsha Campbell.

**President George Washington offered this prayer.**

Almighty God; We make our earnest prayer that You will keep the United States in Your Holy protection; and You will incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and live for one another and for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field.

And finally that You will most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Clayton Colclasure.

The Journal of the eighteenth day was approved as printed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Hand Kasten Kelley 47 Townley

VACANCIES: 002

**RESOLUTIONS**

Representative Howerton offered House Resolution No. 172, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 173, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 174, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 175, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 176, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 177, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 178, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 179, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 180, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 181, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution No. 182, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 183, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 184, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 185, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crawford offered House Resolution No. 186, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Parker offered House Resolution No. 187, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 188, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE REMONSTRANCE**

Representative Crump, et al, offered House Remonstrance No. 1.

**COURTESY RESOLUTIONS**

House Resolution Nos. 126 through 146, 148 through 159, 161, 162, 164, 165 and 167 through 171 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 126 through 146, 148 through 159, 161, 162, 164, 165 and 167 through 171 were adopted.

**SECOND READING OF HOUSE BILLS**

**HB 552** through **HB 570** were read the second time.

**PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HB 14, with House Committee No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, House Committee Amendment No. 1 was adopted.

On motion of Representative Lumpe, **HB 14, as amended,** was ordered perfected and printed.

**HOUSE RESOLUTION**

**HR 160**, relating to use of chamber, was taken up by Representative Foley.

Representative Froelker offered House Amendment No. 1.

House Amendment No. 1 was withdrawn.

Representative Akin offered House Amendment No. 1.

Representative Scheve raised a point of order that House Amendment No. 1 is not germane to the House Resolution.

The Chair ruled the point of order well taken.

On motion of Representative Foley, **HR 160** was adopted.

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 4** - Utilities Regulation

**HCR 8** - Miscellaneous Bills and Resolutions

**HCR 9** - Environment and Energy

**HCR 10** - Utilities Regulation

**HCR 11** - Education - Elementary and Secondary

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 12** - Budget

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 154** - Criminal Law

**HB 269** - Criminal Law

**HB 275** - Critical Issues

**HB 362** - Criminal Law

**HB 417** - Judiciary

**HB 419** - Professional Registration and Licensing

**HB 421** - Ways and Means

**HB 422** - Public Health and Safety

**HB 423** - Motor Vehicle and Traffic Regulations

**HB 424** - State Parks, Natural Resources and Mining

**HB 425** - Commerce

**HB 426** - Workers Compensation and Employment Security

**HB 427** - Commerce

**HB 428** - Elections

**HB 429** - Ways and Means

**HB 430** - Motor Vehicle and Traffic Regulations

**HB 431** - Ways and Means

**HB 433** - Elections

**HB 434** - Tourism, Recreation and Cultural Affairs

**HB 435** - Commerce

**HB 436** - Professional Registration and Licensing

**HB 437** - Agri-Business

**HB 438** - Miscellaneous Bills and Resolutions

**HB 439** - Critical Issues

**HB 440** - Ways and Means

**HB 441** - Ways and Means

**HB 443** - Utilities Regulation

**HB 444** - Professional Registration and Licensing

**HB 445** - Professional Registration and Licensing

**HB 446** - Workers Compensation and Employment Security

**HB 447** - Judiciary

**HB 448** - Judiciary

**HB 449** - Insurance

**HB 450** - Labor

**HB 451** - Environment and Energy

**HB 452** - Budget

**HB 453** - Environment and Energy

**HB 454** - Social Services, Medicaid and the Elderly

**HB 455** - Environment and Energy

**HB 456** - Judiciary

**HB 457** - Education - Elementary and Secondary

**HB 458** - Municipal Corporations

**HB 459** - Motor Vehicle and Traffic Regulations

**HB 460** - Ways and Means

**HB 461** - Labor

**HB 462** - Motor Vehicle and Traffic Regulations

**HB 463** - Transportation

**HB 464** - State Parks, Natural Resources and Mining

**HB 465** - Ways and Means

**HB 467** - Civil and Administrative Law

**HB 468** - Professional Registration and Licensing

**HB 469** - Elections

**HB 470** - Ways and Means

**HB 471** - Utilities Regulation

**HB 472** - Workers Compensation and Employment Security

**HB 474** - Civil and Administrative Law

**HB 475** - Utilities Regulation

**HB 476** - Ways and Means

**HB 477** - Correctional and State Institutions

**HB 478** - Local Government and Related Matters

**HB 479** - Motor Vehicle and Traffic Regulations

**HB 480** - Critical Issues

**HB 481** - Correctional and State Institutions

**HB 482** - Retirement

**HB 483** - Ways and Means

**HB 484** - Civil and Administrative Law

**HB 485** - Criminal Law

**HB 486** - Criminal Law

**HB 487** - Criminal Law

**HB 488** - Judiciary

**HB 489** - Criminal Law

**HB 490** - Motor Vehicle and Traffic Regulations

**HB 492** - Ways and Means

**HB 493** - Education - Higher

**HB 494** - Critical Issues

**HB 495** - Elections

**HB 496** - Criminal Law

**HB 497** - Social Services, Medicaid and the Elderly

**HB 498** - Motor Vehicle and Traffic Regulations

**HB 499** - Criminal Law

**HB 500** - Miscellaneous Bills and Resolutions

**HB 501** - Criminal Law

**HB 502** - Judiciary

**HB 503** - Judiciary

**HB 504** - Judiciary

**HB 508** - Social Services, Medicaid and the Elderly

**HB 510** - Critical Issues

**HB 511** - Criminal Law

**HB 513** - Ways and Means

**HB 516** - Motor Vehicle and Traffic Regulations

**RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 210** - Education - Higher

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 571**, introduced by Representative Patek, relating to payment for private construction work.

**HB 572**, introduced by Representative Foster, et al, relating to school board elections.

**HB 573**, introduced by Representatives Foster and Richardson, et al, relating to elections.

**HB 574**, introduced by Representative Thomason (163), relating to motor vehicles.

**HB 575**, introduced by Representative Davis (63), et al, relating to the department of health.

**HB 576**, introduced by Representative Luetkenhaus, relating to employer and employee coverage and exemptions.

**HB 577**, introduced by Representatives Patek and Summers, relating to primary elections.

**HB 578**, introduced by Representatives Williams (121) and Tate, relating to tax credits.

**HB 579**, introduced by Representative Barry, relating to certain teacher-training institutions.

**HB 580**, introduced by Representative Hegeman, relating to powers of attorney.

**HB 581**, introduced by Representative Hegeman, relating to powers of attorney.

**HB 582**, introduced by Representative Schilling, relating to grand jury proceedings.

**HB 583**, introduced by Representative Hagan-Harrell, relating to health services corporations.

**HB 584**, introduced by Representative Hagan-Harrell, relating to health care benefits for prescription medications.

**HB 585**, introduced by Representative Hagan-Harrell, relating to labeling of pharmaceutical products.

**HB 586**, introduced by Representative Hagan-Harrell, relating to retirement system of state officers and employees.

**HB 587**, introduced by Representative Monaco, relating to court clerks.

**HB 588**, introduced by Representative Monaco, et al, relating to the liability insurance for the state and other political subdivisions.

**HB 589**, introduced by Representatives Rizzo and Cooper, et al, relating to real property tax increment allocation redevelopment.

**HB 590**, introduced by Representative O'Toole, et al, relating to certain firemen's retirement and relief systems.

**HB 591**, introduced by Representative O'Toole, relating to service of process.

**HB 592**, introduced by Representative O'Toole, relating to certain cemeteries.

**HB 593**, introduced by Representatives Hartzler (123) and Monaco, et al, relating to special education services.

**HB 594**, introduced by Representative McClelland, relating to school term starting dates.

**HB 595**, introduced by Representative Levin, et al, relating to scenic byways.

**HB 596**, introduced by Representative Patek, et al, relating to the operation of motor vehicles.

**HB 597**, introduced by Representative Dougherty, relating to the practice of architecture.

**HB 598**, introduced by Representative Froelker, relating to drug dealer liability.

**HB 599**, introduced by Representative Kennedy, et al, relating to motor vehicles.

**HB 600**, introduced by Representative Carter, relating to limited mandate health insurance act.

**HB 601**, introduced by Representative Riback Wilson, et al, relating to controlled substances.

**HB 602**, introduced by Representative Liese, et al, relating to state highway markings.

**HB 603**, introduced by Representative Bartelsmeyer, relating to elections.

**HB 604**, introduced by Representative Fritts, relating to guaranteed energy saving performance contracts for schools.

**HB 605**, introduced by Representative Auer, relating to the small employer health insurance availability act.

**COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Barry has been appointed a member of the Appropriations - Natural and Economic Resources Committee.

Representative McLuckie is no longer a member of the Labor Committee.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, February 10, 1997.

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Monday, February 10, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 211

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Monday, February 10, 1997, 1:00 pm. Hearing Room 7. Mark-up.

To be considered - HB 8, HB 12

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Tuesday, February 11, 1997. Hearing Room 7 upon adjournment.

Mark-up. If necessary HB 8, HB 12.

To be considered - HB 2, HB 3

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 12, 1997. Hearing Room 7 upon adjournment. Mark-up.

To be considered - HB 2, HB 3

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 13, 1997. Hearing Room 7 upon adjournment. Final mark-up.

Executive Session.

To be considered - HB 2, HB 3, HB 8, HB 12

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 10, 1997, 1:00 pm. Hearing Room 9. Mark-up.

To be considered - HB 1, HB 4

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 12, 1997. Hearing Room 9 fifteen minutes after adjournment. Mark-up.

To be considered - HB 5, HB 12

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, February 10, 1997, 11:00 am. Hearing Room 5. Dept. of Mental Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 11, 1997. Hearing Room 5 upon morning adjournment.

Dept. of Mental Health. Possible mark-up.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 12, 1997. Hearing Room 5 upon morning adjournment.

Mark-up.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 13, 1997. Hearing Room 5 upon morning adjournment. Mark-up.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, February 10, 1997, 12:00 pm. Hearing Room 8. Mark-up HB 6.

Dept. of Agriculture, Dept. of Conservation

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 11, 1997. Hearing Room 8 upon adjournment. Mark-up HB 6, HB 7,

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 10, 1997, 1:00 pm. Hearing Rooms 1 and 2. Committe mark-up.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 11, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 12, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 13, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 9. Executive Session.

To be considered - HB 369

BUDGET

Tuesday, February 11, 1997, 8:30 am. Hearing Room 9.

To be considered - HB 90, HB 110, HB 295, HB 278, HB 342

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 1. Executive Session to Follow.

To be considered - HB 189, HB 279, HB 300, HB 319, HB 333

CRIMINAL LAW

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 45, HB 284, HB 265, HB 149, HB 69, HB 65, HB 179

CRITICAL ISSUES

Monday, February 10, 1997, 4:45 pm. Hearing Room 8.

To be considered - HB 335

ENVIRONMENT AND ENERGY

Monday, February 10, 1997. Side gallery upon adjournment. Executive Session.

To be considered - HB 151

ETHICS

Tuesday, February 11, 1997. North side gallery upon morning adjournment.

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, February 10, 1997, 8:00 pm. Hearing Room 2.

To be considered - HB 116, HB 137, HB 216, HB 253, HB 337, HB 357

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 12, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 341, HB 107, HB 345, HJR 7

INSURANCE

Tuesday, February 11, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 52, HB 233, HB 195, HB 351, HB 246, HB 353

JOINT COMMITTEE ON HEALTH CARE POLICY AND PLANNING

Wednesday, February 12, 1997, 1:00 pm. Truman Building Room 490.

Kennedy-Kassebaum Implementation.

PUBLIC HEALTH AND SAFETY

Tuesday, February 11, 1997, 3:00 pm. Hearing Room 9. Executive Session to Follow.

To be considered - HB 47, HB 320, HB 329

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 454, HB 508, HB 302, HB 271

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, February 10, 1997, 8:00 pm. Hearing Room 9. Executive Session May Follow.

To be considered - HB 51, HB 396

URBAN AFFAIRS

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 2. Executive Session May Follow.

REVISED

To be considered - HB 62

WAYS AND MEANS

Monday, February 10, 1997. Side gallery upon adjournment.

To be considered - Executive Session - HB 491

WAYS AND MEANS

Tuesday, February 11, 1997, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 155, HB 81, HB 171, HB 241, HB 273, HB 143, HB 146, HB 414

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, February 10, 1997, 8:00 pm. Hearing Room 5.

Executive Session May or May Not Follow.

To be considered - HB 472

**HOUSE CALENDAR**

TWENTIETH DAY, MONDAY, FEBRUARY 10, 1997

**HOUSE BILLS FOR SECOND READING**

HB 571 through HB 605

**HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

HB 14 - Lumpe

**HOUSE RESOLUTIONS**

HR 163, (2-5-97, pg. 257) - Days

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

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# House Journal

## First Regular Session, 89th General Assembly

TWENTIETH DAY, Monday, February 10, 1997

Speaker Pro Tem Kreider the Chair.

Prayer by Father Hugh Behan.

"If we should forget Your name and rise a prayer to foreign gods, would You not find it out? You know the secrets of the heart". (Ps. 44:10, ICEL trans.)

February, the month of the heart comes just as the Western Christian world is set to begin its Lenten preparation for Easter, and the Jewish world will celebrate Purim about the same time, and Passover a month later, the same time as the Eastern Church's Easter, the Islamic world just completed Ramadan, the month of prayer and fasting, the Chinese are celebrating the beginning of the year of the Ox and February 2 was the New Year in the Celtic calendar.

We note today, gracious Lord, that in different ways, different ethnic groups and religious cultures have sacred times and sacred days to mark new beginnings, to ask for forgiveness, to seek reconciliation, and to make a new start. We pray for the new heart which only you, O Lord, can give to us who ask humbly, and that means acknowledging that we have sinned and we do need your mercy.

We add a special prayer for today's budget negotiations between the President and leaders of Congress as we turn over all of our personal lives and the work of this Chamber and of the national government to You, the source of our life and our authority in this Assembly. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the nineteenth day was approved as corrected.

**RESOLUTIONS**

Representative Sheldon (104) offered House Resolution No. 189, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Franklin offered House Resolution No. 190, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Purgason offered House Resolution No. 191, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 192, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 193, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 194, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 195, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 196, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 197, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 198, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 199, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 200, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hollingsworth offered House Resolution No. 201, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ford offered House Resolution No. 202, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Townley offered House Resolution No. 203, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 204, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 205, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Alter offered House Concurrent Resolution No. 14.

**SECOND READING OF HOUSE BILLS**

**HB 571** through **HB 605** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HB 14**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**THIRD READING OF HOUSE BILL- APPROPRIATIONS**

**HB 14**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 14** was read the third time and passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 006

Goward Gunn Hand Hoppe McBride

Shields

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bauer, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HOUSE RESOLUTION**

**HR 163**, relating to elections, was taken up by Representative Days.

On motion of Representative Days, **HR 163** was adopted.

**COMMITTEE REPORTS**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HJR 1**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 390**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Banks and Financial Institutions**, Chairman Copeland reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 257**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Ways and Means**, Chairman Farmer reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 491**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 491, page 2, section 144.014, line 14 by inserting after the word "**collected**" the words "**by such person**"; and

Further amend said bill, page 2, section 144.014, line 15 by inserting after the word "**remitted**" the words "**by such person**".

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 13** - Ways and Means

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 473** - Critical Issues

**HB 512** - Critical Issues

**HB 514** - Criminal Law

**HB 515** - Municipal Corporations

**HB 517** - Judiciary

**HB 518** - Professional Registration and Licensing

**HB 520** - Correctional and State Institutions

**HB 521** - Education - Elementary and Secondary

**HB 522** - Ways and Means

**HB 523** - Local Government and Related Matters

**HB 524** - Education - Elementary and Secondary

**HB 525** - Local Government and Related Matters

**HB 526** - Elections

**HB 527** - Education - Elementary and Secondary

**HB 528** - Agri-Business

**HB 529** - Correctional and State Institutions

**HB 530** - Professional Registration and Licensing

**HB 532** - Ways and Means

**HB 533** - Ways and Means

**HB 534** - State Parks, Natural Resources and Mining

**HB 535** - Criminal Law

**HB 536** - Environment and Energy

**HB 537** - Elections

**HB 538** - Education - Higher

**HB 539** - Insurance

**HB 540** - Children, Youth and Families

**HB 541** - Professional Registration and Licensing

**HB 542** - Budget

**HB 543** - Retirement

**HB 544** - Local Government and Related Matters

**HB 545** - Criminal Law

**HB 546** - Education - Elementary and Secondary

**HB 547** - Judiciary

**HB 548** - Judiciary

**HB 549** - Ways and Means

**HB 550** - Transportation

**HB 551** - Local Government and Related Matters

**HB 552** - Transportation

**HB 553** - Education - Elementary and Secondary

**HB 554** - Criminal Law

**HB 555** - Ways and Means

**HB 557** - Agriculture

**HB 558** - Public Health and Safety

**HB 559** - Consumer Protection

**HB 560** - Critical Issues

**HB 561** - Local Government and Related Matters

**HB 562** - Ways and Means

**HB 563** - Insurance

**HB 564** - Local Government and Related Matters

**HB 565** - Retirement

**HB 566** - Motor Vehicle and Traffic Regulations

**HB 567** - Workers Compensation and Employment Security

**HB 568** - Professional Registration and Licensing

**HB 569** - Civil and Administrative Law

**HB 570** - Education - Elementary and Secondary

**HB 571** - Judiciary

**HB 572** - Education - Elementary and Secondary

**HB 573** - Elections

**HB 575** - Public Health and Safety

**HB 576** - Workers Compensation and Employment Security

**HB 577** - Elections

**HB 578** - Ways and Means

**HB 579** - Education - Elementary and Secondary

**HB 580** - Civil and Administrative Law

**HB 581** - Civil and Administrative Law

**HB 582** - Judiciary

**HB 583** - Public Health and Safety

**HB 584** - Public Health and Safety

**HB 585** - Public Health and Safety

**HB 586** - Retirement

**HB 587** - Judiciary

**HB 588** - Judiciary

**HB 589** - Commerce

**HB 591** - Criminal Law

**HB 592** - Municipal Corporations

**HB 593** - Education - Elementary and Secondary

**HB 594** - Education - Elementary and Secondary

**HB 595** - Transportation

**HB 596** - Criminal Law

**HB 597** - Professional Registration and Licensing

**HB 598** - Judiciary

**HB 599** - Motor Vehicle and Traffic Regulations

**HB 600** - Critical Issues

**HB 601** - Public Health and Safety

**HB 602** - Transportation

**HB 603** - Elections

**HB 604** - Education - Elementary and Secondary

**COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Hegeman is no longer a member of the Utilities Regulation Committee.

Representative Robirds has been appointed a member of the Utilities Regulation Committee.

Representative Sheldon (104) has been appointed a member of the Public Health and Safety Committee.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 606**, introduced by Representative Summers, relating to termination of parental rights.

**HB 607**, introduced by Representative Clayton, relating to electronic surveillance devices.

**HB 608**, introduced by Representative Clayton, relating to drug-related crimes enforcement.

**HB 609**, introduced by Representative Summers, relating to special road districts.

**HB 610**, introduced by Representatives Hosmer and Smith, relating to the Missouri uniform securities act.

**HB 611**, introduced by Representative O'Toole, relating to certain retirement systems in the city of St. Louis.

**HB 612**, introduced by Representative Auer, relating to certain teacher and school employee retirement systems.

**HB 613**, introduced by Representative Campbell, relating to tax increment financing.

**HB 614**, introduced by Representative Campbell, relating to public works contracts.

**HB 615**, introduced by Representative McClelland, relating to income tax credits.

**HB 616**, introduced by Representatives Williams (121) and Smith, relating to regional jail districts.

**HB 617**, introduced by Representatives Williams (121) and Smith, relating to certain sales taxes.

**HB 618**, introduced by Representative Barry, et al, relating to higher education instructional quality.

**HB 619**, introduced by Representative Hendrickson, et al, relating to sales and use taxation.

**WITHDRAWAL OF HOUSE BILLS**

February 4, 1997

The Honorable Steve Gaw, Speaker
House of Representatives
State Capitol
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that House Bill 417 be withdrawn for consideration.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Chuck Gross

February 10, 1997

Anne Walker, Chief Clerk
Missouri House of Representatives
House Post Office
Jefferson City, Missouri 65101

Dear Anne:

I would like to withdraw House Bill 556.

Thank you very much.

Respectfully submitted,

/s/ Bill Boucher

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, February 11, 1997.

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Wednesday, February 12, 1997, 8:30 am. Hearing Room 1.

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Tuesday, February 11, 1997. Hearing Room 7 upon adjournment. Mark-up.

If necessary HB 8, HB 12.

To be considered - HB 2, HB 3

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 12, 1997. Hearing Room 7 upon adjournment. Mark-up.

To be considered - HB 2, HB 3

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 13, 1997. Hearing Room 7 upon adjournment. Final mark-up.

Executive Session.

To be considered - HB 2, HB 3, HB 8, HB 12

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 12, 1997. Hearing Room 9 fifteen minutes after adjournment. Mark-up.

To be considered - HB 5, HB 12

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 11, 1997. Hearing Room 5 upon morning adjournment.

Dept. of Mental Health. Possible mark-up

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 12, 1997. Hearing Room 5 upon morning adjournment. Mark-up.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 13, 1997. Hearing Room 5 upon morning adjournrnent. Mark-up.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 11, 1997. Hearing Room 8 upon adjournment. Mark-up HB 6, HB 7.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 11, 1997. Hearing Rooms 1 and 2 upon adjournment. Committee mark-up.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 12, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 13, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 9. Executive Session.

To be considered - HB 369

BUDGET

Tuesday, February 11, 1997, 8:30 am. Hearing Room 9.

To be considered - HB 90, HB 110, HB 295, HB 278, HB 342

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 12, 1997, 7:30 pm. Hearing Room 8. Possible Executive Session.

To be considered - HB 391, HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 1. Executive Session to Follow. AMENDED NOTICE

To be considered - HB 189, HB 300, HB 319, HB 333

CONSUMER PROTECTION

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 7. Executive Session Will Follow.

To be considered - HB 68

CRIMINAL LAW

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 45, HB 284, HB 265, HB 149, HB 69, HB 65, HB 179

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 11, 1997, 3:00 pm. Hearing Room 8.

To be considered - HB 384, HB 397, HB 373, HB 570, Executive Session - HB 410

ELECTIONS

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 9.

To be considered - HB 495

ENVIRONMENT AND ENERGY

Thursday, February 13, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 451, HB 455

ETHICS

Tuesday, February 11, 1997. North side gallery upon morning adjournment.

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 12, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 341, HB 107, HB 345, HJR 7

INSURANCE

Tuesday, February 11, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 52, HB 233, HB 195, HB 351, HB 246, HB 353

JOINT COMMITTEE ON HEALTH CARE POLICY AND PLANNING

Wednesday, February 12, 1997, 1:00 pm. Truman Building Room 490.

Kennedy-Kassebaum Implementation.

JUDICIARY

Tuesday, February 11, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 339, HB 336, HB 364, HB 361

LABOR

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 450

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 11, 1997, 3:00 pm. Hearing Room 4. Executive Session Will Follow. AMENDED NOTICE

To be considered - HB 125, HB 112, HB 318, HB 97, HB 370, HB 374, HB 249

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 11, 1997, 3:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 516, HB 214, HB 237, HB 352, HB 380, HB 415, HB 416, HB 389,

HB 394

MUNICIPAL CORPORATIONS

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 7. Executive Session to Follow.

To be considered - HB 386, HB 349, HB 208, HB 203

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 176, HB 383, HB 406, HB 398, HB 444

PUBLIC HEALTH AND SAFETY

Tuesday, February 11, 1997, 3:00 pm. Hearing Room 9. Executive Session to Follow.

To be considered - HB 47, HB 320, HB 329

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 5. AMENDED NOTICE

To be considered - HB 454, HB 302, HB 271

TRANSPORTATION

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 5. Executive Session to Follow.

To be considered - HB 94, HB 403, HB 409, HB 463

URBAN AFFAIRS

Tuesday, February 11, 1997, 8:00 pm. Hearing Room 2. Executive Session May Follow. REVISED

To be considered - HB 62

WAYS AND MEANS

Tuesday, February 11, 1997, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 155, HB 81, HB 171, HB 241, HB 273, HB 143, HB 146, HB 414

**HOUSE CALENDAR**

TWENTY-FIRST DAY, TUESDAY, FEBRUARY 11, 1997

**HOUSE BILLS FOR SECOND READING**

HB 606 through HB 619

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

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# House Journal

## First Regular Session, 89th General Assembly

TWENTY-FIRST DAY, Tuesday, February 11, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Death and life are in the power of the tongue." (Prov. 18:21)

The tongue is a powerful instrument, it can move others to do great things or crush us emotionally when someone uses speech for destructive purposes. We hear so many words in the course of a day with our instant and varied forms of communication. Teach us, gracious God, that there is a beauty in silence and a beauty in words; a power in being talked with and to that brings life to our whole being and a power that can also bring death to our spirit and to our heart's emotions. May we be wise in our use of this precious gift of speech. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Patrick Fluegel, Doug Collins, Jamie Dorsey, Kim Maxey, Jeremiah Bricker, Sarah Hausmann, Samantha Hill, Frank Nowazyk and Amber Forest.

The Journal of the twentieth day was approved as corrected by the following vote:

AYES: 159

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Hand Hickey

**RESOLUTIONS**

Representative Long offered House Resolution No. 206, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 207, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 208, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 209, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 210, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 211, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 212, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Ross offered House Resolution No. 213, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Luetkenhaus offered House Resolution No. 214, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Akin offered House Resolution No. 215.

Representative Hendrickson offered House Resolution No. 216, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Luetkenhaus offered House Resolution No. 217, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Hartzler (124) offered House Concurrent Resolution No. 15.

**SECOND READING OF HOUSE BILLS**

**HB 606** through **HB 619** were read the second time.

**REFERRAL OF HOUSE REMONSTRANCE**

The following House Remonstrance was referred to the Committee indicated:

**HRM 1** - State Parks, Natural Resources and Mining

**RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

**HB 264** - Consumer Protection

**HB 559** - Banks and Financial Institutions

**COMMITTEE REPORTS**

**Committee on Environment and Energy,** Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 151**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 151, page 3, section 260.477, line 5, by inserting immediately after all of said line the following:

"**No fee shall be imposed pursuant to this section for lead-acid batteries stored pursuant to the methods outlined in section 260.266, RSMo, for the purpose of recycling.**"

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **the request of the "Chuck" Legislative Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470.4(2)(c)d.**

Members "Chuck" Caucus

/s/ Chuck Gross Dist. 18 /s/ Charles (Chuck) Nordwald Dist. 19

/s/ Chuck Graham Dist. 24 /s/ Charlie (Chuck) Shields Dist. 28

/s/ Charles (Chuck) Troupe Dist. 62 /s/ Chuck Pryor Dist. 116

/s/ Charles (Chuck) Fritts Dist. 125 /s/ Chuck Surface Dist. 129

/s/ Chuck Wooten Dist. 137 /s/ Charlie (Chuck) Ballard Dist. 140

/s/ Chuck Purgason Dist. 151

Mr. Speaker: Your Committee on Ethics, to which was referred **the request of the Greater Kansas City Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470.4(2)(c)d. The successful motion to approve this caucus was made with a stipulation to include as members only those who have signed the Caucus Request.**

Greater Kansas City Caucus

FOR THE HOUSE:

/s/ District 29 Rep. Maurice Lawson

/s/ District 30 Rep. Fred Pouche

/s/ District 31 Rep. Bill Skaggs

/s/ District 32 Rep. Bonnie Sue Cooper

/s/ District 33 Rep. Scott Lakin

/s/ District 34 Rep. Annie Reinhart

/s/ District 35 Rep. Luann Ridgeway

/s/ District 36 Rep. Rodger Fitzwater

/s/ District 37 Rep. Vernon Thompson

/s/ District 38 Rep. Tim Van Zandt

/s/ District 39 Rep. Marsha Campbell

/s/ District 40 Rep. Henry Rizzo

/s/ District 41 Rep. Fletcher Daniels

/s/ District 42 Rep. Lloyd Daniel

/s/ District 43 Rep. Mary Bland

/s/ District 44 Rep. Steve McLuckie

/s/ District 45 Rep. Sandy Kauffman

/s/ District 46 Rep. Tom Hoppe

/s/ District 47 Rep. Pat Kelley

/s/ District 48 Rep. Bill Boucher

/s/ District 49 Rep. Ralph A. Monaco

/s/ District 50 Rep. Carol Jean Mays

/s/ District 51 Rep. Dennis Bonner

/s/ District 52 Rep. Connie Cierpiot

/s/ District 53 Rep. Dick Franklin

/s/ District 55 Rep. Carson Ross

/s/ District 56 Rep. Glenn Hall

/s/ District 6 Rep. Randall Relford

/s/ District 123 Rep. Ed Hartzler

/s/ District 124 Rep. Vicky Hartzler

/s/ District 126 Rep. Charlie Fritts

Mr. Speaker: Your Committee on Ethics, to which was referred **the request of the House Republican Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470.4(2)(c)d.**

TO: Rep. Robert Clayton

Chairman of Ethics Committee

FROM: Rep. Delbert Scott, Caucus Chairperson

DATE: January 23, 1997

RE: Formation of Missouri House Republican Caucus

In accordance with Section 105.470 and the rules of the House of Representatives, a listing of the members of the 89th General Assembly's House of Representatives Republican Caucus is attached. Consider this letter a formal application to the Committee on Ethics to create/renew this caucus. I am sure you are familiar with the historical existence of this caucus, the commonality of interest, the advantage of forming this caucus, and the regularity of our meetings. The members of Caucus leadership are as follows: Minority floor leader, Mark L. Richardson; Assistant minority floor leader, Don Lograsso; Minority whip, Charlie Shields; Minority caucus chairman, Delbert Scott; and Caucus secretary, Jim Froelker. Please contact me at 751-8793 if you have any questions concerning this caucus organization. I shall serve as the designated member to present this caucus to the committee.

MISSOURI HOUSE REPUBLICAN CAUCUS MEMBERSHIP

/s/ Todd Akin (86) /s/ Bill Alter (90) /s/ Charlie Ballard (140)

/s/ Rex Barnett (4) /s/ Linda Bartelsmeyer (132) /s/ Jon Bennett (15)

/s/ Judy Berkstresser (141) /s/ Matt Boatright (118) /s/ David Broach (102)

/s/ Gary Burton (128) /s/ Norma Champion (134) /s/ Rich Chrismer (16)

/s/ Connie Cierpiot (52) /s/ Bonnie Sue Cooper (32) /s/ Larry Crawford (117)

/s/ Jon Dolan (13) /s/ Laurie Donovan (74) /s/ T. Mark Elliott (127)

/s/ Catherine Enz (99) /s/ Brent Evans (92) /s/ Bill Foster (156)

/s/ Jim Froelker (111) /s/ Sam Gaskill (131) /s/ Doug Gaston (147)

/s/ Michael Gibbons (94) /s/ Jim Graham (106) /s/ John Griesheimer (109)

/s/ Chuck Gross (18) /s/ Glenn Hall (56) /s/ Bill Hand (87)

/s/ Ed Hartzler (123) /s/ Vicky Hartzler (124) /s/ Dan Hegeman (5)

/s/ Carl Hendrickson (97) /s/ Bubs Hohulin (126) /s/ Roy N. Holand (135)

/s/ Jim Howerton (120) /s/ Mary Kasten (158) /s/ Sandy Kauffman (45)

/s/ Pat Kelley (47) /s/ Ken Legan (145) /s/ David Levin (82)

/s/ Bill Linton (89) /s/Don Lograsso (54) /s/ Beth Long (146)

/s/ John Loudon (88) /s/ Gary Marble (130) /s/ Emmy McClelland (91)

/s/ Ronnie Miller (133) /s/ Jim Murphy (95) /s/ Patrick Naeger (155)

/s/ Charles Nordwald (19) /s/ Cindy Ostmann (14) /s/ Jewell Patek (7)

/s/ Marilyn Edwards-Pavia (105) /s/ Fred Pouche (30) /s/ Chuck Pryor (116)

/s/ Chuck Purgason (151) /s/ Annie Reinhart (34) /s/ Mark Richardson (154)

/s/ Luanne Ridgeway (35) /s/ Estel Robirds (143) /s/ Carson Ross (55)

/s/ Mary Lou Sallee (144) /s/ David Schwab (157) /s/ Delbert Scott (119)

/s/ Pat Secrest (93) /s/ Charlie Shields (28) /s/ Don Steen (115)

/s/ Don Summers (2) /s/ Chuck Surface (129) /s/ Merrill Townley (112)

/s/ Carl Vogel (114) /s/ Phil Wannenmacher (139) /s/ Chuck Wooten (137)

Mr. Speaker: Your Committee on Ethics, to which was referred **the request for the addition of Senator Yeckel's name to the Freshman Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470.4(2)(c)d.**

/s/ Senator Anita Yeckel

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 99**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 51**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representatives Ford and Robirds are no longer members of the Labor Committee.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 620**, introduced by Representative Mays (50), relating to certificate of public convenience and necessity for telecommunications service.

**HB 621**, introduced by Representative Franklin, relating to school moneys funds.

**HB 622**, introduced by Representative Lakin, et al, relating to certain charitable organizations.

**HB 623**, introduced by Representative Barnett (4), relating to collection of delinquent taxes.

**HB 624**, introduced by Representative Barnett (4), relating to motels and hotels.

**HB 625**, introduced by Representatives Barnett (4) and Ridgeway, et al, relating to probation and parole.

**HB 626**, introduced by Representative Liese, relating to Missouri department of insurance examination.

**HB 627**, introduced by Representative Froelker, relating to public education.

**HB 628**, introduced by Representative Froelker, relating to changing boundaries of school districts.

**HB 629**, introduced by Representative Gaskill, relating to marriage licenses.

**HB 630**, introduced by Representatives Boucher and Ransdall, relating to patriotic activities.

**WITHDRAWAL OF HOUSE BILL**

February 11, 1997

Ms. Anne Walker, Chief Clerk

House of Representatives

State Capitol

Jefferson City, MO 65101

Dear Anne:

I respectfully request that HB 36 be withdrawn. Thank you for your attention to this matter.

Cordially,

/s/ W. Craig Hosmer

State Representative

District 138

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, February 12, 1997.

**CORRECTION TO HOUSE JOURNAL**

Correct House Journal, Twentieth Day, February 10, 1997, page 276, by deleting lines 29 through 31 and inserting in lieu thereof the following:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed to which was referred **HB 14**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Wednesday, February 12, 1997, 8:30 am. Hearing Room 1.

AGRICULTURE

Wednesday, February 12, 1997, 3:00 pm. Hearing Rooms 3 & 4. Executive Session May Follow.

To be considered - HB 557

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Wednesday, February 12, 1997. Hearing Room 7 upon adjournment. Mark-up.

To be considered - HB 2, HB 3

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 13, 1997. Hearing Room 7 upon adjournment. Final mark-up.

Executive Session.

To be considered - HB 2, HB 3, HB 8, HB 12

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 12, 1997. Hearing Room 9 fifteen minutes after adjournment. Mark-up.

To be considered - HB 5, HB 12

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 12, 1997. Hearing Room 5 upon morning adjournment. Mark-up.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 13, 1997. Hearing Room 5 upon morning adjournment. Mark-up.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Wednesday, February 12, 1997. Hearing Room 8 upon adjournment. Mark-up.

To be considered - HB 7

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 12, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 13, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session.

To be considered - HB 11, HB 9

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 9. Executive Session.

To be considered - HB 369

BUDGET

Thursday, February 13, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HJR 11, HJR 12

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 12, 1997, 7:30 pm. Hearing Room 8. Possible Executive Session.

To be considered - HB 391, HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 1.

Executive Session to Follow. AMENDED NOTICE

To be considered - HB 189, HB 300, HB 319, HB 333

COMMERCE

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 589, HB 435, HB 425

CRIMINAL LAW

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 7. Executive Session May Follow.

To be considered - HB 45, HB 284, HB 265, HB 149, HB 69, HB 65, HB 179

EDUCATION - HIGHER

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 8.

To be considered - HB 538, HB 493, HB 39, HB 40, HB 35, HB 46, HB 303

ENVIRONMENT AND ENERGY

Thursday, February 13, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 451, HB 455

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 12, 1997, 8:00 am. Hearing Room 8.

To be considered - HB 341, HB 107, HB 345, HJR 7

JOINT COMMITTEE ON HEALTH CARE POLICY AND PLANNING

Wednesday, February 12, 1997, 1:00 pm. Truman Building Room 490.

Kennedy-Kassebaum Implementation.

MISCELLANEOUS BILLS AND RESOLUTIONS

Thursday, February 13, 1997. Side gallery immediately upon adjournment.

Executive session.

To be considered - HB 354

MUNICIPAL CORPORATIONS

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 7. Executive Session to Follow.

To be considered - HB 386, HB 349, HB 208, HB 203

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 176, HB 383, HB 406, HB 398, HB 444

PROFESSIONAL REGISTRATION & LICENSING

Thursday, February 13, 1997, 9:30 am. Room 401.

To be considered - Executive Session - HB 406

RETIREMENT

Wednesday, February 12, 1997, 8:00 pm. Hearing Room 2.

To be considered - HB 482, HB 543, HB 565, HB 586, Executive Session - HB 356,

Executive Session - HB 482, Executive Session - HB 543

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Wednesday, February 12, 1997. Side gallery upon adjournment. Executive Session.

STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 2.

To be considered - HB 424, HB 464, HB 534

TRANSPORTATION

Wednesday, February 12, 1997, 3:00 pm. Hearing Room 5. Executive Session to Follow.

To be considered - HB 94, HB 403, HB 409, HB 463

**HOUSE CALENDAR**

TWENTY-SECOND DAY, WEDNESDAY, FEBRUARY 12, 1997

**HOUSE BILLS FOR SECOND READING**

HB 620 through HB 630

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 257 - Copeland

HB 491, HCA 1 - Gaw

HB 99 - Williams (121)

HB 51 - Shear (83)

HB 151, HCA 1 - Smith

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

TWENTY-SECOND DAY, Wednesday, February 12, 1997

Speaker Gaw in the Chair.

Prayer by Representative Jewell Patek.

Before I pray, let me begin by saying I was encouraged from the first day I was in the Legislature with the earnest and sincere Christian Fellowship I found among colleagues, staff, and interns. A fellowship that knew no partisan boundaries. I, like perhaps some of you, straddle a fence between wrong and right on a regular basis. I have a real struggle daily to walk the righteous path, to separate wrong from right, to see black and white when there appears only to be an ocean of grey. In this abyss of grey, many Christians take refuge. They find shelter in compromise and tolerance. They take positions that Christians otherwise would not in the name of political correctness, and Christians avoid conflict and avoid speaking the truth in fear that they will be labeled radicals or extremists or worse hypocrites. In so doing, we become submissive to the world and turn away from God.

In the book of Daniel, we learn that Daniel was challenged with similar decisions between right and wrong. As you will remember, as the King's servant, Daniel was ordered to receive a daily provision of the King's delicacies and wine. However, Daniel believed that the delicacies and wine would defile him, therefore, he refused to eat and drink of the King's wine and food. Instead he asked the chief master to bring him undefiled food and drink. Although he was risking his life, the master agreed to bring the food to Daniel for ten days. The master believed that without the nourishment of the King's food, Daniel would become unhealthy and weak. To the surprise of the master, in ten days time, Daniel's features appeared better than all the other servants. Not only was Daniel rewarded by good health, God granted Daniel "knowledge and skill in all literature and wisdom; and Daniel had understanding in all visions and dreams". (Daniel 2:17)

Let us pray, O' Merciful Father, grant us the courage to walk in Your Light. Make us strong in Your presence so that we may refuse defilement and compromise. Let us remember Daniel, a man of ordinary background raised up by the world to a place of worldly prestige. In like manner, we remember that we were sent to the General Assembly and placed in a position of power. Let us not stray,but rather humble us to Your divine will and give us discernment that we may recognize wrong from right and black from white. In so doing, we are mindful of the bountiful blessings of wisdom and understanding that You so graciously laid upon Daniel. We come to You now O' Lord, with an obedient heart lifting up our lives in selfless service to Your designs, that we also would receive wisdom, understanding, and everlasting life. In Jesus' name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Jonathon Capps.

The Journal of the twenty-first day was approved as corrected by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Gross

PRESENT: 000

ABSENT WITH LEAVE: 003

Ford Hand Troupe

VACANCIES:002

Speaker Pro Tem Kreider assumed the Chair.

**RESOLUTIONS**

Representative Schilling, et al, offered House Resolution No. 218, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Seigfreid offered House Resolution No. 219, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Dolan offered House Resolution No. 220, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Clayton offered House Resolution No. 221, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bonner, et al, offered House Resolution No. 222, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bonner, et al, offered House Resolution No. 223, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Leake and Clayton offered House Resolution No. 224, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 225, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Gratz and Vogel offered House Resolution No. 226, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Champion offered House Resolution No. 227, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 228, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 229, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 620** through **HB 630** were read the second time.

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228** and **229**, begs leave to report it has examined the same and

recommends that it **Do Pass.**

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 211**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 211, page 9, Section 266.190, line 16, by deleting "an annual fee of twenty-five dollars **per product. A**" and inserting in lieu thereof the following: "[an annual fee of twenty-five dollars] **a**"; and

Further amend said bill, page 10, Section 266.190, line 18, by deleting "**twenty-five dollars**" and inserting in lieu thereof the following: "**fifty dollars per product which**"; and

Further amend said bill, page 15, Section 266.212, line 16, by deleting the words "**and repeated**"; and

Further amend said bill, page 18, Section 276.401, line 35, by inserting immediately after the word "**contracts" the following: "on which the purchase price is not established at or before delivery of the grain**"; and

Further amend said bill, page 22, Section 276.423, lines 3 and 4, by deleting "**, but not more than once per year any such dealer**"; and

Further amend said bill, page 39, Section 411.026, line 31, by inserting immediately after the word "**contracts**" the following: "**on which the purchase price is not established at or before delivery of the grain**".

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 34**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Consumer Protection**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 87** and **HB 264**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 516**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 516, page 2, Section 407.815, line 25, by deleting after the "vehicle" the following:

**", including recreational motor vehicles as defined in section 310.010, RSMo,"** and

further amend said bill, page 10, subsection 13, line 191, by deleting the word "**parts**" and inserting in lieu thereof the word "part" and

further amend said bill, page 12, subsection 15, line 267, by deleting the words **"be construed to"** and

further amend said bill, page 12, Section 2, line 273, by inserting after the word **"of"** the following: "subdivision

(13), paragraph (a) to (f) of"

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 631**, introduced by Representative Kissell, relating to Missouri prisoners being held out of state.

**HB 632**, introduced by Representative Kissell, relating to stealing.

**HB 633**, introduced by Representatives Copeland and Leake, relating to reverse mortgage loans.

**HB 634**, introduced by Representative Mays (50), relating to state lottery.

**HB 635**, introduced by Representatives Kennedy and Hollingsworth, relating to vaccinations against blood borne pathogens for at-risk state employees.

**HB 636**, introduced by Representative Kreider, relating to workers' compensation insurance.

**HB 637**, introduced by Representative Murray, et al, relating to employment rights of certain public employees.

**HB 638**, introduced by Representative Farmer, relating to certain refunds of erroneously collected sales taxes.

**HB 639**, introduced by Representative Gunn, et al, relating to sales and use taxation.

**HB 640**, introduced by Representative Chrismer, et al, relating to the child welfare policy of this state.

**HB 641**, introduced by Representatives Fitzwater and McClelland, relating to state aid for special education programs.

**HB 642**, introduced by Representative Smith, relating to home health agencies.

**HB 643**, introduced by Representative Barry, relating to home health agencies.

**HB 644**, introduced by Representative Reynolds, et al, relating to property taxation.

**HB 645**, introduced by Representative McLuckie, relating to the environmental improvement and energy resource authority.

**HB 646**, introduced by Representatives Sallee and Long, relating to candidate filing.

**HB 647**, introduced by Representative Sheldon (104), relating to sales taxation.

**HB 648**, introduced by Representative Sheldon (104), relating to motor vehicles.

**HB 649**, introduced by Representatives Sheldon (104) and Crump, relating to harassment of an employee by an offender.

**HB 650**, introduced by Representative Hoppe, relating to marriage licenses.

**HB 651**, introduced by Representative Schilling, relating to the authorization of the governor to convey certain property of Southwest Missouri State University in Greene County Missouri, to the city of Springfield.

**REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 166** - Miscellaneous Bills and Resolutions

**HR 215** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 12** - Environment and Energy

**HCR 14** - Miscellaneous Bills and Resolutions

**HCR 15** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 13** - Ways and Means

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 293** - Ways and Means

**HB 432** - Criminal Law

**HB 466** - Motor Vehicle and Traffic Regulations

**HB 509** - Social Services, Medicaid and the Elderly

**HB 574** - Transportation

**HB 590** - Retirement

**HB 606** - Civil and Administrative Law

**HB 607** - Judiciary

**HB 608** - Criminal law

**HB 609** - Local Government and Related Matters

**HB 610** - Civil and Administrative Law

**HB 611** - Retirement

**HB 612** - Retirement

**HB 613** - Commerce

**HB 614** - Tourism, Recreation and Cultural Affairs

**HB 615** - Ways and Means

**HB 616** - Correctional and State Institutions

**HB 617** - Correctional and State Institutions

**HB 618** - Education - Higher

**HB 619** - Ways and Means

**HB 620** - Utilities Regulation

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 169**, entitled:

An act to repeal section 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1996, relating to the department of labor and industrial relations, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, February 13, 1997.

**CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-First Day, February 11, 1997, pages 287 and 288, roll call, by showing Representative Hickey voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

AGRICULTURE

Thursday, February 13, 1997. Side gallery upon adjournment.

To be considered - Executive Session - HB 557

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 13, 1997. Hearing Room 7 upon adjournment. Final mark-up.

Executive Session.

To be considered - HB 2, HB 3, HB 8, HB 12

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 13, 1997. Hearing Room 5 upon morning adjournment.

Mark-up. CANCELLED

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 18, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 19, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept.of Health and Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 20, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, February 17, 1997, 12:00 pm. Hearing Room 8. Mark-up HB 7.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 13, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session. CANCELLED

To be considered - HB 11, HB 9

BUDGET

Thursday, February 13, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HJR 11, HJR 12

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, February 13, 1997, 9:30 am. Side gallery.

To be considered - Executive Session - HB 570

ENVIRONMENT AND ENERGY

Thursday, February 13, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 451, HB 455

GOVERNMENTAL ORGANIZATION AND REVIEW

Thursday, February 13, 1997, 9:00 am. Room 205. Executive Session.

JUDICIARY

Thursday, February 13, 1997, 9:15 am. North side gallery.

To be considered - Executive Session - HB 361

MISCELLANEOUS BILLS AND RESOLUTIONS

Thursday, February 13, 1997. Side gallery immediately upon adjournment.

Executive session.

To be considered - HB 354

PROFESSIONAL REGISTRATION & LICENSING

Thursday, February 13, 1997, 9:30 am. Room 401. CANCELLED

To be considered - Executive Session - HB 406

PUBLIC HEALTH AND SAFETY

Thursday, February 13, 1997, 9:15 am. Side gallery. Executive session.

URBAN AFFAIRS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - HB 114

UTILITIES REGULATION

Thursday, February 13, 1997, 8:00 am. Hearing Room 5. Executive session may follow.

To be considered - HCR 4, HCR 10

**HOUSE CALENDAR**

TWENTY-THIRD DAY, THURSDAY, FEBRUARY 13, 1997

**HOUSE BILLS FOR SECOND READING**

HB 631 through HB 651

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 257 - Copeland

HB 491, HCA 1 - Gaw

HB 99 - Williams (121)

HB 51 - Shear (83)

HB 151, HCA 1 - Smith

**SENATE BILL FOR SECOND READING**

SB 169

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

**COURTESY RESOLUTIONS**

HR 172 - Howerton

HR 173 - Howerton

HR 174 - Howerton

HR 175 - Howerton

HR 176 - Howerton

HR 177 - Howerton

HR 178 - Howerton

HR 179 - Howerton

HR 180 - Howerton

HR 181 - Howerton

HR 182 - Heckemeyer

HR 183 - Liese

HR 184 - Liese

HR 185 - Liese

HR 186 - Crawford

HR 187 - Parker

HR 188 - Summers

HR 189 - Sheldon (104)

HR 190 - Franklin

HR 191 - Purgason

HR 192 - Boucher

HR 193 - Boucher

HR 194 - Boucher

HR 195 - Boucher

HR 196 - Boucher

HR 197 - Backer

HR 198 - Kennedy

HR 199 - Kennedy

HR 200 - Richardson

HR 201 - Hollingsworth

HR 202 - Ford

HR 203 - Townley

HR 204 - Reinhart

HR 205 - Campbell

HR 206 - Long

HR 207 - Lograsso

HR 208 - Lograsso

HR 209 - Lograsso

HR 210 - Lograsso

HR 211 - Lograsso

HR 212 - Lograsso

HR 213 - Lograsso

HR 214 - Luetkenhaus

HR 216 - Hendrickson

HR 217 - Luetkenhaus

HR 218 - Schilling

HR 219 - Seigreid

HR 220 - Dolan

HR 221 - Clayton

HR 222 - Bonner

HR 223 - Bonner

HR 224 - Leake

HR 225 - Williams (159)

HR 226 - Gratz

HR 227 - Champion

HR 228 - Fitzwater

HR 229 - Graham (24)

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# House Journal

## First Regular Session, 89th General Assembly

TWENTY-THIRD DAY, Thursday, February 13, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Jackie D. Harris, Cornerstone Southern Baptist Church.

A question that is asked by many is this, "Does the Bible have any specific guidelines for Christians to follow as they relate themselves to those in authority in the state in which they hold citizenship?" The answer is yes. Just listen to.....

(I Timothy 2:1-2) "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all Godliness and honesty."

I want to open this session of the House of Representatives with the following.....

"Heavenly Father, we come to thank You for Your great blessings upon our great state of Missouri. Help us this day to appreciate the bounty of Your provisions for us.

We thank You for these men and women who have been sent here by the people of Missouri, and who have been ordained by You to govern this great state.

Guide and bless them, grant them wisdom to rule, and may their decisions direct us to the center of thy precious will. I ask it in the name of Your son, the Living Saviour, Jesus Christ." Amen.

May the words of this prayer be of encouragement to each of you who sit in this chamber today. God bless all of you.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-second day was approved as printed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Ford Gunn Hand Troupe

VACANCIES: 002

**RESOLUTIONS**

Representative Bartelsmeyer offered House Resolution No. 230, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 231, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Vogel offered House Resolution No. 232.

Representative Howerton offered House Resolution No. 233, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 234, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Clayton offered House Resolution No. 235, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 236, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Thomason (163) offered House Resolution No. 237, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Copeland offered House Resolution No. 238, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foster offered House Resolution No. 239, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foster offered House Resolution No. 240, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 241, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representatives Kauffman and Lumpe, et al, offered House Concurrent Resolution No. 16.

**COURTESY RESOLUTIONS**

House Resolution Nos. 172 through 214 and 216 through 229 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 172 through 214 and 216 through 229 were adopted.

**SECOND READING OF HOUSE BILLS**

**HB 631** through **HB 651** were read the second time.

**SECOND READING OF SENATE BILL**

**SB 169** was read the second time.

**PERFECTION OF HOUSE BILLS**

**HB 257**, relating to savings banks, was taken up by Representative Copeland.

On motion of Representative Copeland, **HB 257** was ordered perfected and printed.

Speaker Pro Tem Kreider assumed the Chair.

**HB 491, with House Committee Amendment No. 1**, relating to sales/use tax, was taken up by Representative Gaw.

On motion of Representative Gaw, House Committee Amendment No. 1 was adopted.

Representative Gibbons offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 491, page 2, Section 144.014, lines 7 through 11, by deleting all of said lines and inserting in lieu thereof the following:

"**2. For the purposes of this section, the term "food" shall mean all sales of food sold at retail intended for human consumption, regardless if consumed on or off the premises of the retailer. Food shall not include any product that contains alcohol or tobacco.**"

Representative Gibbons moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 068

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Cierpiot Cooper Crawford Dolan

Donovan Edwards-Pavia Elliott Enz Evans

Foster Froelker Gaskill Gaston Gibbons

Griesheimer Gross Hall Heckemeyer Hegeman

Hohulin Howerton Kasten Kelley 47 Legan

Levin Linton Lograsso Long Loudon

Marble McClelland Miller Murphy Naeger

Nordwald O'Connor Ostmann Pouche Pryor

Purgason Reinhart Reynolds Richardson Ridgeway

Ross Sallee Schwab Scott Secrest

Shields Steen Summers Surface Thomason 163

Townley Vogel Williams 159

NOES: 085

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Campbell Carter

Chrismer Clayton Copeland Crump Daniels 41

Davis 63 Davis 122 Days Dougherty Farmer

Farnen Fitzwater Foley Franklin Fritts

Goward Graham 24 Graham 106 Gratz Green

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Johnson Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus Lumpe May 108 Mays 50

McBride McLuckie Monaco Murray O'Toole

Overschmidt Parker Patek Ransdall Relford

Rizzo Robirds Scheve Schilling Seigfreid

Shear Sheldon 104 Shelton 57 Skaggs Smith

Stokan Stoll Stroker Tate Van Zandt

Wannenmacher Wiggins Williams 121 Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel 42 Ford Gunn Hand Thompson 37

Treadway Troupe Wilson

VACANCIES: 002

Representative Murphy offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 491, pages 1 and 2, Section 144.014, lines 1 through 6, by deleting all of said lines and inserting in lieu thereof the following:

"**Section 144.014. 1. In addition to the exemptions granted under the provisions of section 144.030, RSMo, there is hereby specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.350, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, RSMo, sections 144.600 to 144.746, RSMo, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, and from the computation of the tax levied, assessed or payable under sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.350, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, RSMo, sections 144.600 to 144.746, RSMo, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, all sales at retail of food products as defined under subsection 2 of this section.**"; and

Further amend said bill, page 2, Section 114.014, lines 12 through 28, by deleting all of said lines.

Representative Murphy moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:

AYES: 003

Bland Murphy Thomason 163

NOES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Townley Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Ford Fritts Gunn Hand Thompson 37

Treadway Troupe Wilson

VACANCIES: 002

On motion of Representative Gaw, **HB 491, as amended,** was ordered perfected and printed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Ford Gunn Hand Thompson 37 Treadway

Troupe Wilson

VACANCIES: 002

**HB 99**, relating to planning and zoning, was taken up by Representative Williams (121).

Representative Williams (121) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 99, page 3, Section 64.725, line 54, by inserting after the word "thereof" the following:

"**, and the temporary county planning commission shall implement**"; and

Further amend said bill, page 3, Section 64.725, line 58, by deleting the word "proceed" and inserting in lieu thereof the following: "[proceed] **continue**".

On motion of Representative Williams (121), House Amendment No. 1 was adopted.

Representative Surface offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 99, page 1, Section 64.725, line 2, by placing opening brackets after the word county and closing brackets after the word classification.

On motion of Representative Surface, House Amendment No. 2 was adopted.

On motion of Representative Williams (121), **HB 99, as amended,** was ordered perfected and printed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 56**, entitled:

An act to amend supreme court rules 24.035 and 29.15, relating to procedures in capital cases.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 58**, entitled:

An act to repeal section 214.132, RSMo 1994, relating to private burial grounds, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 59**, entitled:

An act to amend chapter 301, RSMo, relating to the licensing of motor vehicles, by adding thereto one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 70**, entitled:

An act to repeal section 186.055, RSMo Supp. 1996, relating to the humanities trust fund, and to enact one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 89**, entitled:

An act to repeal section 221.111, RSMo 1994, relating to jails, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 122**, entitled:

An act to repeal section 89.142, RSMo 1994, relating to peripheral zoning, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 161**, entitled:

An act to repeal section 536.017, RSMo 1994, relating to takings analysis, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 621** - Education - Elementary and Secondary

**HB 622** - Insurance

**HB 623** - Civil and Administrative Law

**HB 624** - Tourism, Recreation and Cultural Affairs

**HB 625** - Correctional and State Institutions

**HB 626** - Insurance

**HB 627** - Education - Elementary and Secondary

**HB 628** - Education - Elementary and Secondary

**HB 629** - Children, Youth and Families

**HB 630** - Federal-State Relations and Veterans Affairs

**HB 631** - Correctional and State Institutions

**HB 632** - Criminal Law

**HB 633** - Banks and Financial Institutions

**HB 634** - Ways and Means

**HB 635** - Labor

**HB 636** - Workers Compensation and Employment Security

**HB 637** - Labor

**HB 638** - Ways and Means

**HB 639** - Ways and Means

**HB 640** - Critical Issues

**HB 641** - Education - Elementary and Secondary

**HB 642** - Public Health and Safety

**HB 643** - Public Health and Safety

**HB 644** - Governmental Organization and Review

**HB 645** - Motor Vehicle and Traffic Regulations

**HB 646** - Elections

**HB 647** - Ways and Means

**HB 648** - Motor Vehicle and Traffic Regulations

**HB 649** - Criminal Law

**HB 650** - Children, Youth and Families

**HB 651** - Correctional and State Institutions

**RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

**HB 64** - Governmental Organization and Review

**HB 470** - Governmental Organization and Review

**HB 492** - Governmental Organization and Review

**COMMITTEE REPORTS**

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 557**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 141**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 410**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 410, page 2, Section 177.091, line 35, by deleting the word "incidental" and inserting in lieu thereof the following: "[incidental] **capital projects**".

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 570**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 570, page 2, Section 3, line 20, by adding after the period the following:

"The provisions outlined in this subsection shall not apply unless and until sufficient appropriations are made by the General Assembly for the purpose of this section."

**Committee on Governmental Organization and Review**, Chairman Goward reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 107**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 107, page 1, Section 1, line 2, by deleting the word "**preference to**" and inserting in lieu thereof the following: "**a bidding preference consisting of a five-point bonus on bids for**".

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 361**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HB 354**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Municipal Corporations**, Chairman Shelton (57) reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **HB 229**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 229, page 3, Section 94.655, by inserting at the end of the first sentence;

"; provided said cities submit to and obtain the approval of the voters prior to collecting said renewed and continued transportation sales tax"

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 32**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 356**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 454**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 381**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 381, page 3, Section 301.010, line 71, by inserting immediately after the word "**exclusively**" the following: "**in this state, used**".

**COMMITTEE CHANGES**

The Speaker submitted the following committee changes.

Representative Parker is no longer a member of the Appropriations - Health and Mental Health Committee.

Representative O'Connor has been appointed a member of the Appropriations - Health and Mental Health Committee.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 14**, introduced by Representative Days, relating to powers of the legislature.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 652**, introduced by Representative Backer, relating to certain deductions from state employees' compensation.

**HB 653**, introduced by Representative Seigfreid, relating to land acquisition with state funds.

**HB 654**, introduced by Representative Bray, relating to credit card fraud.

**HB 655**, introduced by Representative May (108), relating to business entities.

**HB 656**, introduced by Representative May (108), relating to regulation of businesses.

**HB 657**, introduced by Representatives Relford and Cooper, et al, relating to jails.

**HB 658**, introduced by Representative Relford, et al, relating to county coroners.

**HB 659**, introduced by Representative Clayton, relating to certain activities of county governing bodies.

**HB 660**, introduced by Representative Lumpe, relating to public employees.

**HB 661**, introduced by Representative Stoll, et al, relating to educational funding.

**HB 662**, introduced by Representative Stoll, et al, relating to education.

**HB 663**, introduced by Representatives Stokan and Burton, relating to research project awards.

**HB 664**, introduced by Representatives Ross and Pouche, et al, relating to military forces.

**HB 665**, introduced by Representative Lakin, relating to the creation of child day care center districts.

**HB 666**, introduced by Representative Howerton, et al, relating to election ballots.

**HB 667**, introduced by Representative Long, et al, to repeal sections 51.180 and 51.250, RSMo 1994.

**HB 668**, introduced by Representative Wiggins, relating to security interests.

**HB 669**, introduced by Representatives Stroker and May (108), et al, relating to federal law enforcement officials.

**HB 670**, introduced by Representatives Seigfreid and Schilling, relating to controlled substances.

**HB 671**, introduced by Representative Kennedy, relating to income taxation.

**HB 672**, introduced by Representative Parker, relating to court costs.

**WITHDRAWAL OF HOUSE BILL**

February 13, 1997

Anne C. Walker

Chief Clerk

State Capitol Room 307

Jefferson City, MO 65101

Dear Anne,

Please withdraw House Bill 133.

Respectfully submitted,

/s/ Don Lograsso

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, February 17, 1997.

**COMMITTEE MEETINGS**

ADHOC COMMITTEE ON ADMIN. RULES (H)

Tuesday, February 18, 1997, 8:00 pm. Hearing Rooms 3 and 4.

Organizational meeting.

AGRI-BUSINESS

Monday, February 17, 1997, 8:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 283, HB 528

AGRICULTURE

Thursday, February 13, 1997. Side gallery upon adjournment.

To be considered - Executive Session - HB 557

APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY

Thursday, February 13, 1997. Hearing Room 7 upon adjournment. Final mark-up.

Executive Session.

To be considered - HB 2, HB 3, HB 8, HB 12

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 17, 1997, 1:00 pm. Hearing Room 9. Testimony and mark-up.

To be considered - HB 12

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 13, 1997. Hearing Room 5 upon morning adjournment.

Mark-up. CANCELLED

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 18, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 19, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept.of Health and Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 20, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Monday, February 17, 1997, 12:00 pm. Hearing Room 8. Mark-up HB 7.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 13, 1997. Hearing Rooms 1 and 2 upon adjournment.

Committee mark-up and executive session. CANCELLED

To be considered - HB 11, HB 9

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Monday, February 17, 1997, 11:00 am. Hearing Rooms 1 and 2. Committee mark-up.

To be considered - HB 9, HB 11

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 18, 1997. Hearing Rooms 1 and 2 upon adjournment.Committee mark-up.

To be considered - HB 9, HB 11

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 19, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 20, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 9. Executive Session.

To be considered - HB 559

BUDGET

Thursday, February 13, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HJR 11, HJR 12

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 19, 1997, 7:45 pm. Hearing Room 8.

To be considered - HB 57, HB 372, HB 540, Executive Session - HB 126,

Executive Session - HB 343, Executive Session - HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 279, HB 312, HB 474, HB 244, HB 569

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 529, HB 520, HB 481

CRIMINAL LAW

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 362, HB 269, HB 122, HB 44, HB 486, HB 489, HB 294, HB 166

CRITICAL ISSUES

Monday, February 17, 1997, 8:00 pm. Hearing Room 7.

To be considered - HB 275, HB 560, HB 439, HB 388, HB 600

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, February 13, 1997, 9:30 am. Side gallery.

To be considered - Executive Session - HB 570

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 8.

To be considered - HB 105, HB 256, HB 359, HB 377, HB 382

EDUCATION - HIGHER

Monday, February 17, 1997. Side gallery upon adjournment.

To be considered - Executive Session - HB 538

ELECTIONS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 407

ENVIRONMENT AND ENERGY

Thursday, February 13, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 451, HB 455

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, February 17, 1997, 8:00 pm. Hearing Room 2. Executive session.

To be considered - HB 630

GOVERNMENTAL ORGANIZATION AND REVIEW

Thursday, February 13, 1997, 9:00 am. Room 205. Executive Session.

INSURANCE

Tuesday, February 18, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

Consideration for any bills previously heard.

To be considered - HB 404

JUDICIARY

Thursday, February 13, 1997, 9:15 am. North side gallery.

To be considered - Executive Session - HB 361

JUDICIARY

Monday, February 17, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 503, HB 187, HB 547, HB 308, HB 184

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 4. Executive session may follow.

To be considered - HB 63, HB 561, HB 263, HB 297, HB 523, HB 120, HB 609, HB 525

MISCELLANEOUS BILLS AND RESOLUTIONS

Thursday, February 13, 1997. Side gallery immediately upon adjournment. Executive session.

To be considered - HB 354

PROFESSIONAL REGISTRATION & LICENSING

Thursday, February 13, 1997, 9:30 am. Room 401. CANCELLED

To be considered - Executive Session - HB 406

PUBLIC HEALTH AND SAFETY

Thursday, February 13, 1997, 9:15 am. Side gallery. Executive session.

PUBLIC HEALTH AND SAFETY

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 9.

To be considered - HB 153, HB 422, HB 558, HB 583, HB 601

SUB-COMMITTEE ON ELECTIONS

Monday, February 17, 1997, 9:00 am. Hearing Room 7.

To be considered - HB 495

URBAN AFFAIRS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - HB 114

UTILITIES REGULATION

Thursday, February 13, 1997, 8:00 am. Hearing Room 5. Executive session may follow.

To be considered - HCR 4, HCR 10

WAYS AND MEANS

Tuesday, February 18, 1997, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 348, HB 178, HB 301, HB 431, HB 441, HB 578, HB 440, HB 522, HB 513

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, February 17, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 446, HB 426, HB 567, HB 576

**HOUSE CALENDAR**

TWENTY-FOURTH DAY, MONDAY, FEBRUARY 17, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 14

**HOUSE BILLS FOR SECOND READING**

HB 652 through HB 672

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 51 - Shear (83)

HB 151, HCA 1 - Smith

HB 570, HCA 1 - Stoll

HB 229, HCA 1 - Auer

HB 410, HCA 1 - Bray

HCS HB 454 - Stokan

HCS HB 557 - Leake

HB 381, HCA 1 - Koller

HB 211, HCA 1 - Williams (159)

HCS HB 141 - Smith

HB 107, HCA 1 - Boucher

HB 32 - Bland

HB 516, HCA 1 - Backer

HB 34 - Bland

HB 354 - Murray (69)

**SENATE BILLS FOR SECOND READING**

SCS SB 56

SB 58

SB 59

SB 70

SCS SB 89

SB 122

SB 161

**HOUSE RESOLUTIONS**

**HR 69, (2-5-97, pg. 258) - Hosmer**

**HR 124, (2-5-97, pg. 259) - Liese**

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# House Journal

## First Regular Session, 89th General Assembly

TWENTY-FOURTH DAY, Monday, February 17, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"You may make your plans, but God directs your actions." (Prov. 16:9)

Today the nation celebrates the birthday of President George Washington and adds the memory of President Abraham Lincoln. It is a time for renewal in the world of nature as we await the end of Winter, and in the religious world, with the upcoming major religious celebrations which occur as nature welcomes Spring.

Gracious God, you constantly call us back to our origins, to new beginnings, to reform and repentance. You call some people to be giants in their own time, rising above the everyday to provide a deeper look and wider vision. As we stumble along with our own failings and plodding ways, may we respond - even if ever so feebly - to the stirrings within ourselves that call us to greatness and may we listen carefully to the voice of the great ones among us today who tell us that the mediocre is unworthy of our human dignity. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-third day was approved as corrected by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Bland Ford Hand Hoppe Marble

Nordwald Ridgeway Shear Troupe

VACANCIES: 002

**RESOLUTIONS**

Representative Vogel offered House Resolution No. 242, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Luetkenhaus offered House Resolution No. 243, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 244, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 245, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 246, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 247, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 248, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 249, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 250, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 251, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 252, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 253, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 254, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 255, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (123) offered House Resolution No. 256, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 14** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 652** through **HB 672** were read the second time.

**SECOND READING OF SENATE BILLS**

**SCS SB 56**, **SB 58**, **SB 59**, **SB 70**, **SCS SB 89**, **SB 122** and **SB 161** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 99, HB 257** and **HB 491**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 338**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 491** - Budget (Fiscal Note)

**PERFECTION OF HOUSE BILL**

**HB 151, with House Committee Amendment No. 1**, relating to hazardous waste, was taken up by Representative Smith.

On motion of Representative Smith, House Committee Amendment No. 1 was adopted.

Representative Smith offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 151, page 1, Section A, lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 260.380, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 260.380, to read"; and

Further amend said bill, page 3, Section 260.380, line 75, by inserting after all of said line the following:

"Section B. Section 260.479, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 260.477 and 260.479, to read as follows:"; and

Further amend said bill, page 7, Section B, lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section C. Section B of this act shall become effective on January 1, 1998.".

On motion of Representative Smith, House Amendment No. 1 was adopted.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 151, page 7, Section 260.479, line 72, by adding the following after the word "section": "**or section 260.477**".

Representative Lograsso moved that House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative Smith, **HB 151, as amended,** was ordered perfected and printed.

**COMMITTEE CHANGES**

The Speaker submitted the following committee changes:

Representative Ford is no longer a member of the Appropriations - Social Services and Corrections Committee.

Representative Farmer has been appointed a member of the Appropriations - Social Services and Corrections Committee.

Representative Williams (121) is no longer a member of the Appropriations - Natural and Economic Resources Committee.

Representative Kreider is no longer a member of the Environment and Energy Committee or the State Parks, Natural Resources and Mining Committee.

Representative Stoll has been appointed a member of the State Parks, Natural Resources and Mining Committee.

Representative Troupe is no longer a member of the Critical Issues Committee or the Social Services, Medicaid and the Elderly Committee.

Representative Riback Wilson has been appointed a member of the Social Services, Medicaid and the Elderly Committee.

Representative Bland has been appointed a member of the Critical Issues Committee and is no longer a member of the Correctional and State Institutions Committee.

Representative Dougherty has been appointed a member of the Municipal Corporations Committee.

Representative Barry has been appointed a member of the Environment and Energy Committee.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 15**, introduced by Representative Akin, et al, relating to gaming activities.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 673**, introduced by Representative Mays (50), relating to gas, electric, water, heating and sewer companies.

**HB 674**, introduced by Representative Froelker, relating to survivor benefits for certain school employee retirement systems.

**HB 675**, introduced by Representatives Levin, Secrest, Edwards-Pavia, Akin, Pouche, Richardson, Lograsso, Kelley (47), Howerton, Ostmann, Cierpiot, Cooper, Broach, Foster, Gross, Berkstresser, Crawford, Long, Dolan, Froelker, Donovan, Gaskill, Elliott, Scott, Robirds, Murphy, Hartzler (124), Steen, Reinhart, Linton, Hendrickson, Boatright, Schwab, Bartelsmeyer, Kasten, Hegeman, Surface, Naeger, Alter, Barnett (4), Bennett (15), Sallee, Shields, Patek, Graham (106), Enz, Loudon, Ridgeway, Vogel, Ballard, Champion, Hall, Marble, Purgason, Ross and Pryor, relating to income taxation.

**HB 676**, introduced by Representative Crawford, relating to tourism.

**HB 677**, introduced by Representative Bray, relating to motor vehicles.

**HB 678**, introduced by Representatives Bray and Van Zandt, relating to initiative petitions.

**HB 679**, introduced by Representatives O'Toole and May (108), relating to establishing the automobile theft prevention fund.

**HB 680**, introduced by Representative Tate, relating to the waterways of this state.

**HB 681**, introduced by Representative Fitzwater, relating to elections.

**HB 682**, introduced by Representatives Rizzo and Bonner, relating to public utility regulation.

**HB 683**, introduced by Representative Crump, relating to probation and parole officers.

The following members' presence were noted: Representatives Bland and Ford.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, Feburary 18, 1997.

**CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-Third Day, Thursday, February 13, 1997, page 310, roll call, by showing Representative Graham (106) voting "aye" rather than "no".

**COMMITTEE MEETINGS**

ADHOC COMMITTEE ON ADMIN. RULES (H)

Tuesday, February 18, 1997, 8:00 pm. Hearing Rooms 3 and 4. Organizational meeting.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 18, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 19, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 20, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 18, 1997. Hearing Room 8 upon adjournment. Executive session. Mark-up.

To be considered - HB 6, HB 7

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Tuesday, February 18, 1997. Hearing Rooms 1 and 2 upon adjournment. Committee mark-up.

To be considered - HB 9, HB 11

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 19, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 20, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 9. Executive Session.

AMENDED NOTICE

To be considered - HB 559, HB 633, Executive Session - HB 559, Executive Session - HB 633, Executive Session - HB 369

BUDGET

Tuesday, February 18, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HJR 11, HJR 12, HB 542

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 19, 1997, 7:45 pm. Hearing Room 8.

To be considered - HB 57, HB 372, HB 540, Executive Session - HB 126, Executive Session - HB 343, Executive Session - HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 1.

To be considered - HB 279, HB 312, HB 474, HB 244, HB 569

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 529, HB 520, HB 481

CRIMINAL LAW

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 362, HB 269, HB 122, HB 44, HB 486, HB 489, HB 294, HB 166

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 8.

To be considered - HB 105, HB 256, HB 359, HB 377, HB 382

ELECTIONS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 407

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 19, 1997, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 492, HB 470, HB 644

INSURANCE

Tuesday, February 18, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

Consideration for any bills previously heard.

To be considered - HB 404

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 20, 1997, 9:00 am. Hearing Room 7. Oversight audit reports.

JUDICIARY

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 503, HB 187, HB 547, HB 308, HB 184

LABOR

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 637, Executive Session - HB 450

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 4. Executive session may follow.

AMENDED NOTICE

To be considered - HB 63, HB 561, HB 263, HB 297, HB 523, HB 609, HB 525

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 19, 1997, 9:00 am. Hearing Room 7. Executive session will follow.

To be considered - HB 438, HCR 13, HR 147, HR 166, HR 215

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 18, 1997, 3:00 pm. Hearing room 7. Executive session may follow.

To be considered - HB 281, HB 423, HB 430, HB 498, HB 462, HB 466, HB 479,

HB 490, HB 566, HB 599, HB 332

MUNICIPAL CORPORATIONS

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 7.

To be considered - HB 592, HB 458, HB 385

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 419, HB 436, HB 468, HB 518, HB 530, HB 568

PROFESSIONAL REGISTRATION & LICENSING

Thursday, February 20, 1997, 9:30 am. Room 401. Executive session.

PUBLIC HEALTH AND SAFETY

Tuesday, February 18, 1997, 3:00 pm. Hearing Room 9. AMENDED NOTICE

To be considered - HB 422, HB 558, HB 583

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 497

TRANSPORTATION

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 550, HB 552, HB 574, HB 595, HB 602

URBAN AFFAIRS

Tuesday, February 18, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - HB 114

UTILITIES REGULATION

Tuesday, February 18, 1997. North side gallery upon morning adjournment.

Executive session.

WAYS AND MEANS

Tuesday, February 18, 1997, 3:00 pm. Hearing Rooms 1 and 2.

To be considered - HB 348, HB 178, HB 301, HB 431, HB 441, HB 578, HB 440,

HB 522, HB 513

**HOUSE CALENDAR**

TWENTY-FIFTH DAY, TUESDAY, FEBRUARY 18, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 15

**HOUSE BILLS FOR SECOND READING**

HB 673 through HB 683

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 51 - Shear (83)

HB 570, HCA 1 - Stoll

HB 229, HCA 1 - Auer

HB 410, HCA 1 - Bray

HCS HB 454 - Stokan

HCS HB 557 - Leake

HB 381, HCA 1 - Koller

HB 211, HCA 1 - Williams (159)

HCS HB 141 - Smith

HB 107, HCA 1 - Boucher

HB 32 - Bland

HB 516, HCA 1 - Backer

HB 34 - Bland

HB 354 - Murray (69)

**HOUSE BILLS FOR THIRD READING**

HB 257, E.C. - Copeland

HB 491, E.C. (Budget Fiscal, 2-17-97) - Gaw

HB 99, E.C. - Williams (121)

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

TWENTY-FIFTH DAY, Tuesday, February 18, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"How beautiful are the feet of the messenger who announces peace." (Is. 52:7).

I traveled to the northeastern corner of the state this past weekend. I do that once or twice a year for ministry and I take the opportunity to visit friends. I never cease to marvel at the size of the state, and to admire the diversity of the climate, the economy and the people. I always come away with a new appreciation of what holds us together as a state, and incidentally, as a nation. This time, the memory of Jim Sears was very present to me, as I shared the video of his memorial services with friends who knew Jim, and as I drove from Knox across Sullivan and Putnam counties and on back through Macon, Adair, and Randolph through Boone on home to this City on Sunday afternoon.

Lord God, today we appreciate the sacrifices involved on the part of the members who make this trip each week. As we travel may we be like Isaiah's peace-makers, bringing peace home to family and district, and being instruments of peace as we seek to reconcile the four corners of this widely scattered state and the many viewpoints and competing interests in between. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jennifer Thiele, Jerry Vallely, Laura Mayberry, Terrence Nelson, Candace Buckner, Craig Brodbeck, Stefani Grodie, Patrick Andert and Shalonda James.

The Journal of the twenty-fourth day was approved as printed.

**RESOLUTIONS**

Representative Ridgeway offered House Resolution No. 257, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution No. 258, which was referred to the Committee on Miscellaneous

Bills and Resolutions.

Representative Enz offered House Resolution No. 259, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Legan offered House Resolution No. 260, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 261, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution No. 262, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stoll offered House Resolution No. 263, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stoll offered House Resolution No. 264, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Townley offered House Resolution No. 265, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Surface, et al offered House Resolution No. 266, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ransdall offered House Resolution No. 267, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 268, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 15** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 673** through **HB 683** were read the second time.

**RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

**HB 304** - State Parks, Natural Resources and Mining

**HB 635** - Public Health and Safety

**PERFECTION OF HOUSE BILLS**

**HB 51**, relating to Humanities Trust Fund, was taken up by Representative Shear.

On motion of Representative Shear, **HB 51** was ordered perfected and printed.

**HB 570, with House Committee Amendment No. 1**, relating to school bus safety, was taken up by Representative Stoll.

On motion of Representative Stoll, House Committee Amendment No. 1 was adopted.

Representative Liese offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 570, Page 2, Section 304.050, Line 20, by inserting at the end of said line the following: "**This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.**".

On motion of Representative Liese, House Amendment No. 1 was adopted.

Representative Kreider offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 570, Page 2, Section 304.050, Line 20, by inserting immediately after the following: "**section 304.050.2, RSMo.**" the following: "**Beginning August 1, 1999, subject to appropriations, every school bus shall have attached to its roof a strobe light, to be used at all times when the bus is used to transport school children, and such strobe light shall satisfy specifications established by the Missouri highway patrol.**"; and

Further amend said bill, Page 3, Section 307.375, Line 11, by inserting immediately after the word "**arm**" the words "**and strobe light**".

Representative Shields offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Bill No. 570, Section 1, Line 7, by adding the following after the period: "School buses with existing strobe lights shall be deemed to comply with this section."

On motion of Representative Shields, House Amendment No. 1 to House Amendment No. 2 was adopted.

Representative Kreider moved that House Amendment No. 2, as amended, be adopted.

Which motion was defeated.

Representative Kreider offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 570, Page 1, Section 304.050, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"304.050. 1. The driver of a vehicle [upon a highway] upon meeting or overtaking from either direction any school bus which has stopped [on the highway] for the purpose of receiving"; and

Further amend said bill, Page 2, Section 304.050, Lines 21 and 22, by deleting all of said lines and inserting in lieu thereof the following:

"[3.] **4.** The driver of a school bus in the process of loading or unloading students [upon a street or highway] shall activate the mechanical and electrical signaling devices, in the manner".

Representative Kreider moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Gratz offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Bill No. 570, Page 2, Section 304.050, Line 21, by deleting the words "The driver" and inserting in lieu thereof the following: "**Except as otherwise provided in this section,** the driver"; and

Further amend said bill, Page 2, Section 304.050, Line 24, by inserting immediately after the following: "unloading." the following: "**The driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing lights are activated in a manner which indicates that drivers should proceed with caution, and, in such case, the driver of a vehicle may proceed past the school bus with due caution.**"; and

Further amend said bill, Page 2, Section 304.050, Lines 29 through 31, by deleting all of said lines and inserting in lieu thereof the following: "is plainly visible for at least **five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than fifty-five miles per hour and at least** three hundred feet in each direction to drivers of other vehicles upon [the highway] **other highways** and [then]**, on all highways,** only for such time as is actually necessary to take on and discharge passengers.".

On motion of Representative Gratz, House Amendment No. 4 was adopted by the following vote:

AYES: 097

Akin Alter Backer Ballard Barnett 4

Bartelsmeyer Berkstresser Boatright Boucher Broach

Burton Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Dolan Edwards-Pavia Elliott Enz Evans

Farmer Ford Foster Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Griesheimer Gross Hall Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Hoppe Howerton Kasten Kauffman Kelley 47

Koller Lakin Lawson Leake Legan

Levin Linton Lograsso Long Loudon

Luetkenhaus Lumpe McBride McClelland Miller

Murphy Naeger Nordwald Ostmann Overschmidt

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Secrest Sheldon 104 Shelton 57

Shields Steen Summers Surface Thompson 37

Townley Troupe Vogel Wannenmacher Wiggins

Wooten Mr. Speaker

NOES: 059

Auer Barry 100 Bauer Bennett 15 Bonner

Bray 84 Campbell Carter Champion Clayton

Davis 122 Days Donovan Dougherty Farnen

Fitzwater Foley Franklin Fritts Green

Gunn Hagan-Harrell Harlan Heckemeyer Hickey

Hollingsworth Hosmer Johnson Kelly 27 Kennedy

Kissell Kreider Liese May 108 Mays 50

McLuckie Monaco Murray O'Toole Parker

Ransdall Relford Reynolds Scheve Schilling

Seigfreid Shear Skaggs Smith Stokan

Stoll Stroker Tate Thomason 163 Treadway

Van Zandt Williams 121 Williams 159 Wilson

PRESENT: 001

Bland

ABSENT WITH LEAVE: 004

Hand Marble O'Connor Scott

VACANCIES: 002

Representative Treadway offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Bill No. 570, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "lieu thereof five new sections relating to the same subject, with an emergency clause for certain sections and with an effective date for certain sections."; and

Further amend said bill, Page 4, Section B, Line 1, by inserting after the word "passengers" the words "section A of"; and

Further amend said bill, Page 4, Section B, Line 4, by inserting after all of said line the following:

"Section C. Three new sections are enacted, to be known as sections 1, 2 and 3, to read as follows:

**Section 1. The director of the department of revenue shall establish a central depository system which shall maintain and store notifications received pursuant to section 2 of this act concerning certain bus drivers. The notification shall consist of the names of bus drivers reported pursuant to section 2 of this act and any other information the director finds necessary to properly maintain a central depository or administer sections 1 to 3 of this act.**

**Section 2. Any employer of a person licensed pursuant to section 302.272, RSMo, to operate a school bus, as that term is defined in section 301.010, RSMo, shall notify the director of the department of revenue within ten days of discovering that the person has failed to pass any drug, alcohol or chemical test administered pursuant**

**to the requirements of any federal or state law, rule or regulation regarding the operation of a school bus. The notification shall consist of the person's name and any other relevant information required by the director. The director shall determine the manner in which the notification is made. Any employer, or any officer of an employer, who knowingly fails to comply with the notification requirement of this section or who knowingly provides a false notification shall be guilty of an infraction.**

**Section 3. If the director of the department of revenue receives notification of a failed drug, alcohol or chemical test pursuant to section 2 of this act and the director makes a determination that such test was failed, then the director shall revoke the school bus permit, issued pursuant to section 302.272, RSMo, of such person for a period of one year from the date the determination is made. The director shall notify the person of the revocation and of the revocation period, however, any failure to so notify shall not affect either the revocation or the date of its expiration. The director shall return the school bus permit to the person immediately upon the expiration of the one-year revocation period. Any person who operates a school bus, as defined in section 301.010, RSMo, after having the person's permit revoked pursuant to this section shall be punished in accordance with section 302.321, RSMo.**

Section D. Section C of this act shall become effective on January 1, 1998.".

On motion of Representative Treadway, House Amendment No. 5 was adopted.

Representative Pouche offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Bill No. 570, Page 2, Section 304.050, Line 15, by inserting immediately after the words "**school children**" the following: "**to any public or private school**".

Representative Stoll raised a point of order that House Amendment No. 6 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Pouche, House Amendment No. 6 was adopted by the following vote:

AYES: 081

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Broach Burton Champion

Chrismer Cierpiot Cooper Crawford Daniels 41

Davis 63 Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Foster Froelker

Gaskill Gaston Gibbons Graham 106 Gratz

Green Griesheimer Gross Hall Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Hoppe

Kasten Kelley 47 Kennedy Kissell Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Miller Murphy Naeger Overschmidt

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Rizzo Ross Sallee

Schwab Scott Secrest Sheldon 104 Shields

Steen Summers Surface Townley Vogel

Wannenmacher

NOES: 070

Backer Bland Bray 84 Campbell Carter

Clayton Copeland Crump Daniel 42 Davis 122

Days Farmer Fitzwater Foley Franklin

Fritts Graham 24 Gunn Hagan-Harrell Harlan

Heckemeyer Holand Hollingsworth Hosmer Howerton

Johnson Kauffman Kelly 27 Koller Kreider

Lakin Lawson Leake Legan Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Monaco Murray Nordwald O'Toole Ostmann

Parker Ransdall Relford Robirds Scheve

Schilling Seigfreid Shear Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Van Zandt Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 001

Reynolds

ABSENT WITH LEAVE: 009

Boucher Elliott Ford Goward Hand

Hickey Marble O'Connor Troupe

VACANCIES: 002

**HB 570, as amended,** was placed on the Informal Calendar.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 342**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 538**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 630**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 684**, introduced by Representative Schilling, et al, relating to natural resources and growth analysis.

**HB 685**, introduced by Representative Ford, relating to state departments.

**HB 686**, introduced by Representative Hegeman, relating to the large animal veterinary medicine loan repayment program.

**HB 687**, introduced by Representatives Kissell and Ostmann, et al, relating to school attendance.

**HB 688**, introduced by Representative Richardson, et al, relating to environmental protection.

**HB 689**, introduced by Representative Foley, relating to land clearance for redevelopment authority commissioners.

**HB 690**, introduced by Representative Gross, et al, relating to adult responsibility for children's acts.

**HB 691**, introduced by Representatives Burton and Monaco, relating to the taking of a required pledge or statement for United States congressional candidates.

**WITHDRAWAL OF HOUSE BILLS**

February 18, 1997

The Honorable Steve Gaw

Speaker

308 Capitol Building

Jefferson City, Missouri 65101

Dear Mr. Speaker:

I respectfully request that House Bill 637 be withdrawn. Thank you for your consideration in this matter.

Respectfully submitted,

/s/ Dana L. Murray

Representative

District 69

February 18, 1997

Ms. Anne Walker, Chief Clerk

Missouri House of Representatives

State Capitol Bldg., Rm. 306-C

Jefferson City, MO 65101

Dear Anne:

I am requesting the withdrawal of HB 475.

Thank you very much.

Respectfully submitted,

/s/ James M. Foley

State Representative

District 81

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, February 19, 1997.

**COMMITTEE MEETINGS**

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Wednesday, February 19, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 20, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Wednesday, February 19, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 20, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 9. Executive Session.

AMENDED NOTICE

To be considered - HB 559, HB 633, Executive Session - HB 559,

Executive Session - HB 633, Executive Session - HB 369

BUDGET

Wednesday, February 19, 1997, 8:30 am. Hearing Room 9.

To be considered - HB 491, HB 1, HB 2, HB 3

BUDGET

Thursday, February 20, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 2, HB 3, HB 4

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 19, 1997, 7:45 pm. Hearing Room 8.

To be considered - HB 57, HB 372, HB 540, Executive Session - HB 126,

Executive Session - HB 343, Executive Session - HB 411

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 8. CORRECTED NOTICE

To be considered - HB 279, HB 312, HB 474, HB 244, HB 569

COMMERCE

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 9. Executive session.

To be considered - HB 435, HB 589

CONSUMER PROTECTION

Wednesday, February 19, 1997. Side gallery upon adjournment.

To be considered - Executive Session - HB 209, Executive Session - HB 276,

Executive Session - HB 68

CRIMINAL LAW

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 362, HB 269, HB 122, HB 44, HB 486, HB 489, HB 294, HB 166

ENVIRONMENT AND ENERGY

Thursday, February 20, 1997, 8:30 am. Hearing Room 8. Executive session will follow.

To be considered - HCR 9, HCR 12

ETHICS

Thursday, February 20, 1997. North side gallery upon adjournment. House Democratic Caucus.

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 19, 1997, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 492, HB 470, HB 644

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 20, 1997, 9:00 am. Hearing Room 7. Oversight audit reports.

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 19, 1997, 9:00 am. Hearing Room 7. Executive session will follow.

To be considered - HB 438, HCR 13, HR 147, HR 166, HR 215

MUNICIPAL CORPORATIONS

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 7.

To be considered - HB 592, HB 458, HB 385

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 419, HB 436, HB 468, HB 518, HB 530, HB 568

PROFESSIONAL REGISTRATION & LICENSING

Thursday, February 20, 1997, 9:30 am. Room 401. Executive session.

RETIREMENT

Wednesday, February 19, 1997, 8:00 pm. Hearing Room 2. Executive session to follow.

To be considered - HB 590, HB 611, HB 612

STATE PARKS, NATURAL RESOURCES & MINING

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 2.

To be considered - HRM 1, HB 304

TRANSPORTATION

Wednesday, February 19, 1997, 3:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 550, HB 552, HB 574, HB 595, HB 602

**HOUSE CALENDAR**

TWENTY-SIXTH DAY, WEDNESDAY, FEBRUARY 19, 1997

**HOUSE BILLS FOR SECOND READING**

HB 684 through HB 691

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 229, HCA 1 - Auer

HB 410, HCA 1 - Bray

HCS HB 454 - Stokan

HCS HB 557 - Leake

HB 381, HCA 1 - Koller

HB 211, HCA 1 - Williams (159)

HCS HB 141 - Smith

HB 107, HCA 1 - Boucher

HB 32 - Bland

HB 516, HCA 1 - Backer

HB 34 - Bland

HB 354 - Murray (69)

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

**HOUSE BILLS FOR THIRD READING**

HB 257, E.C. - Copeland

HB 491, E.C. (Budget Fiscal, 2-17-97) - Gaw

HB 99, E.C. - Williams (121)

HB 151 - Smith

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

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# House Journal

## First Regular Session, 89th General Assembly

TWENTY-SIXTH DAY, Wednesday, February 19, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

In the mystery of this Lenten season, O God, we stand in awe of your power and your grace. In these troubled times, when hostages are held for days on end, when small children are tortured and murdered, when world leaders struggle with the issues of war and peace, we rely on your guidance just to get us from one day to the next.

As these representatives struggle with the issues affecting this state, guide them with wisdom, strengthen them with courage and challenge them with truth, for they do not work as individuals but as members of a community. "Politics can work at the deepest level only when all the people are engaged in its spirit and live fully aware that they are community people." And may the citizens of this community called Missouri be blessed by the leadership gathered in this place. Amen.

(Thomas Moore, **The Re-Enchantment of Everyday Life**)

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Emmett Shear.

The Journal of the twenty-fifth day was approved as printed.

**RESOLUTIONS**

Representative Heckemeyer offered House Resolution No. 269, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 270, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Marble offered House Resolution No. 271, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Evans offered House Resolution No. 272, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Skaggs offered House Resolution No. 273, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barnett (4) offered House Resolution No. 274, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barnett (4) offered House Resolution No. 275, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Pryor offered House Resolution No. 276, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Pryor offered House Resolution No. 277, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 684** through **HB 691** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 51**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 151**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**THIRD READING OF HOUSE BILLS**

**HB 99**, relating to planning and zoning, was taken up by Representative Williams (121).

Representative Williams (121) offered House Perfecting Amendment No. 1

*House Perfecting Amendment No. 1*

AMEND House Bill No. 99, Page 3, Section 64.725, Line 55, by inserting after the word "**implement**" the following: "**the plan**".

On motion of Representative Williams (121), House Perfecting Amendment No. 1 was adopted.

On motion of Representative Williams (121), **HB 99, as amended,** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stroker Summers Surface Tate Thomason 163
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Ford Hand Stoll Thompson 37 Townley

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Cierpiot Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Pryor
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Stokan Stroker Summers
Surface Tate Thomason 163 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 012

Boatright Chrismer Crawford Gaston Gross
Hall Hendrickson Hohulin Lograsso Patek
Purgason Steen

PRESENT: 000

ABSENT WITH LEAVE: 005

Ford Hand Stoll Thompson 37 Townley

VACANCIES: 002

On motion of Representative Copeland, title to the bill was agreed to.

Representative Daniels (41) moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

**HB 257**, relating to savings banks, was taken up by Representative Copeland.

On motion of Representative Copeland, **HB 257** was read the third time and passed by the following vote:

AYES: 158

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Ford Hand Townley

VACANCIES: 002

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 139

Alter Auer Backer Ballard Barry 100
Bauer Bennett 15 Berkstresser Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Chrismer Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Koller
Lakin Lawson Leake Legan Levin
Liese Linton Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Ransdall Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 015

Akin Barnett 4 Bartelsmeyer Boatright Cierpiot

Gaston Hall Hendrickson Hohulin Lograsso

Loudon Purgason Reinhart Ridgeway Steen

PRESENT: 000

ABSENT WITH LEAVE: 007

Farmer Ford Hand Kennedy Kissell

Kreider Townley

VACANCIES: 002

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Heckemeyer moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HB 410, with House Committee Amendment No. 1**, relating to sale of school property, was taken up by Representative Bray.

On motion of Representative Bray, House Committee Amendment No. 1 was adopted.

On motion of Representative Bray, **HB 410, as amended,** was ordered perfected and printed.

**HCS HB 454**, relating to residential care facilities, was taken up by Representative Stokan.

Representative Stokan offered **HS HCS HB 454**.

Representative Stokan offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 454, Page 3, Section 198.073, Line 12, by inserting after the word "**residents**" the following: "**. Facility staff on duty at all times shall be awake, dressed and prepared to assist residents in case of emergency**"; and

Further amend said bill, Page 3, Section 198.073, Line 14, by inserting after the word "**assessed**" the following: "**by a licensed health care professional as defined in chapter 334, RSMo, chapter 335, RSMo, and chapter 337, RSMo**"; and

Further amend said bill, Page 3, Section 198.073, Line 20, by deleting all of said line and inserting in lieu thereof the following: "**be developed by a licensed health care professional as defined in chapter 334, RSMo, chapter 335, RSMo, and chapter 337, RSMo, and implemented by facility staff to meet the specific needs of the**".

On motion of Representative Stokan, House Amendment No. 1 was adopted.

On motion of Representative Stokan, **HS HCS HB 454, as amended,** was adopted.

On motion of Representative Stokan, **HS HCS HB 454, as amended,** was ordered perfected and printed.

**HCS HB 557**, relating to economic development, was taken up by Representative Leake.

Representative Tate offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 557, Page 1, In the title, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after the number "348.407," the number "348.408,"; and

Further amend said bill, Page 9, Section 348.400, Line 20, by inserting immediately after the number "**(8)**" the following: "**"Grant fund", the agricultural product utilization grant fund;**

**(9)**"; and

Further amend said bill, Page 10, Section 348.407, Line 25, by inserting immediately after the word "**grants**" the following: "**from the grant fund**"; and

Further amend said bill, Page 11, Section 348.407, Line 42, by inserting after all of said line the following:

"**348.408. 1. There is hereby established in the state treasury the "Agricultural Product Utilization Grant Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.**

**2. The fund shall be administered by the authority.**

**3. Beginning with fiscal year 1997-98, the general assembly may appropriate moneys not to exceed one million dollars for the establishment and initial funding of the fund.**

**4. Moneys in the fund may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.**"; and

Further amend said bill, Page 11, Section 348.409, Line 53, by deleting the word "**three**" and inserting in lieu thereof the word "**two**"; and

Further amend said bill, Page 11, Section 348.410, Line 8, by inserting immediately after the word "**purpose.**" the following: "**Moneys necessary for the startup of this program may be transferred to this program fund from the fund established pursuant to section 348.409.**".

On motion of Representative Tate, House Amendment No. 1 was adopted.

On motion of Representative Leake, **HCS HB 557, as amended,** was adopted.

On motion of Representative Leake, **HCS HB 557, as amended,** was ordered perfected and printed.

**HB 381, with House Committee Amendment No. 1**, relating to log truck, was taken up by Representative Koller.

On motion of Representative Koller, House Committee Amendment No. 1 was adopted.

On motion of Representative Koller, **HB 381, as amended,** was ordered perfected and printed.

**HB 211, with House Committee Amendment No. 1**, relating to commercial feed; grain dealers, was taken up by Representative Williams (159).

On motion of Representative Williams (159), House Committee Amendment No. 1 was adopted.

Representative Froelker offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 211, Page 21, Section 276.421, Line 8, by inserting immediately after the bracketed comma "[,]" the words "**by a certified public accountant**"; and

Further amend said bill, Page 21, Section 276.421, Line 13, by inserting immediately after the word "applicant]" the words "**or a certified independent accountant**"; and

Further amend said bill, Page 46, Section 411.260, Line 14, by inserting immediately after the bracketed comma "[,]" the words "**by a certified public accountant**"; and

Further amend said bill, Page 46, Section 411.260, Line 17, by inserting immediately after the word "principles]" the words "**or a certified independent accountant**".

Representative Froelker moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Williams (159), **HB 211, as amended,** was ordered perfected and printed.

**HCS HB 141**, relating to convenience store safety, was taken up by Representative Smith.

Representative Koller offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 141, Page 2, Section 7, Line 20, by removing after the word "and" and replacing with the word "or".

On motion of Representative Koller, House Amendment No. 1 was adopted by the following vote:

AYES: 086

Auer Ballard Barnett 4 Bartelsmeyer Bauer
Bennett 15 Berkstresser Boatright Bonner Burton
Champion Chrismer Cierpiot Cooper Copeland
Crawford Crump Edwards-Pavia Elliott Enz
Evans Farnen Fitzwater Foley Foster
Franklin Froelker Gaskill Gaston Graham 106
Gratz Griesheimer Gross Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hohulin Hoppe
Johnson Kasten Kelley 47 Koller Leake
Legan Liese Linton Lograsso Long
Loudon Marble McBride Miller Naeger
Nordwald Overschmidt Parker Patek Pouche
Pryor Purgason Reinhart Richardson Ridgeway
Rizzo Robirds Ross Sallee Schwab
Scott Secrest Seigfreid Shields Skaggs
Steen Summers Surface Tate Thomason 163
Treadway Vogel Wannenmacher Wiggins Williams 159
Wooten

NOES: 062

Akin Alter Backer Barry 100 Bland
Boucher Bray 84 Broach Campbell Carter
Clayton Davis 63 Davis 122 Days Donovan
Dougherty Farmer Fritts Gibbons Graham 24
Green Gunn Hagan-Harrell Harlan Hendrickson
Hickey Holand Hollingsworth Hosmer Kauffman
Kelly 27 Kennedy Kissell Lakin Lawson
Levin Lumpe May 108 McClelland McLuckie
Monaco Murphy Murray O'Connor O'Toole
Ostmann Ransdall Relford Reynolds Scheve
Schilling Shear Sheldon 104 Shelton 57 Smith

Stokan Stoll Stroker Van Zandt Williams 121

Wilson Mr. Speaker

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 012

Daniel 42 Daniels 41 Ford Goward Hand

Howerton Kreider Luetkenhaus Mays 50 Thompson 37

Townley Troupe

VACANCIES: 002

Representative Surface offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 141, Page 2, Section 407.985 (8), Line 21, by placing opening bracket after the word "telephone" and closing bracket after the word "times".

Representative Surface moved that House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative Smith, **HCS HB 141, as amended,** was adopted.

On motion of Representative Smith, **HCS HB 141, as amended,** was ordered perfected and printed.

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 230, 231, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276 and 277**, begs leave to report it has examined the same and recommends that they **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 147**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 147

**Whereas**, the members of the Missouri House of Representatives deem it both proper and necessary to maintain a cooperative relationship between this legislative body and other state agencies: and

**Whereas**, the General Assembly has a long tradition of granting the use of its House and Senate Chambers for the purpose of official functions; and

**Whereas**, the Division of Design and Construction, Office of Administration, is planning to conduct a divisional meeting in Jefferson City during May 22-24, 1997, and desires to hold one of the planned sessions in the House

Chamber:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the Division of Design and Construction permission to use the House Chamber for the purpose of holding one of the sessions of its divisional meeting on Thursday, May 22, 1997, from 8:00 a.m. until 12:00 noon.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 166**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 166

**Whereas**, the Missouri House of Representatives has a long tradition of rendering assistance to those programs aimed at developing outstanding qualities of both citizenship and leadership; and

**Whereas**, the legislative interns of the Missouri General Assembly are interested in gaining an insight into the democratic process by conducting a mock legislative forum in the House Chamber; and

**Whereas**, one of the purposes of the Missouri General Assembly's intern program is to give college students participating in the program a working knowledge of the operation and function of Missouri's legislative bodies in order to better prepare them to pursue related career goals and to fulfill their roles as active and responsible citizens:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the participants of the Legislative and State Official Intern Program permission to use the House Chamber for the purpose of conducting their 1997 Mock Legislative Session from 10:00 a.m. until 2:30 p.m. on Monday, March 24, 1997.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 215**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 215

**Whereas,** the Missouri House of Representatives has a long tradition of rendering assistance to those programs aimed at developing outstanding qualities of both citizenship and leadership; and

**Whereas,** the legislative interns of the Missouri General Assembly are interested in gaining an insight into the democratic process by conducting a mock legislative forum in the House chamber; and

**Whereas,** one of the purposes of the Missouri General Assembly's intern program is to give college students participating in the program a working knowledge of the operation and function of Missouri's legislative bodies in order to better prepare them to pursue related career goals and to fulfill their roles as active and responsible citizens:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the participants of the Intern Program permission to use the House Chamber for the purpose of conducting their 1997 Mock Legislative Session from 12:00 noon until 2:00 p.m. on February 25, 1997.

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 259**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HB 450**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 14** - Budget

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 652** - Governmental Organization and Review

**HB 653** - Local Government and Related Matters

**HB 654** - Consumer Protection

**HB 655** - Judiciary

**HB 657** - Correctional and State Institutions

**HB 658** - Local Government and Related Matters

**HB 659** - Local Government and Related Matters

**HB 660** - Governmental Organization and Review

**HB 661** - Education - Elementary and Secondary

**HB 662** - Education - Elementary and Secondary

**HB 663** - Education - Higher

**HB 664** - Federal-State Relations and Veterans Affairs

**HB 665** - Children, Youth and Families

**HB 666** - Elections

**HB 667** - Local Government and Related Matters

**HB 668** - Agriculture

**HB 669** - Judiciary

**HB 670** - Criminal Law

**HB 671** - Ways and Means

**HB 672** - Civil and Administrative Law

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 692**, introduced by Representative Luetkenhaus, relating to preservation of corridors for future state highway construction.

**HB 693**, introduced by Representative Treadway, relating to the practice of occupational therapy.

**HB 694**, introduced by Representative May (108), relating to regulation of businesses.

**HB 695**, introduced by Representatives Elliott and Richardson, et al, relating to group and individual health insurance coverage.

**HB 696**, introduced by Representative Days, relating to elections.

**HB 697**, introduced by Representative Relford, relating to the criminal justice network and technology revolving fund.

**HB 698**, introduced by Representative Tate, relating to economic development microenterprise loans.

**HB 699**, introduced by Representative Legan, relating to official state emblems.

**HB 700**, introduced by Representatives Gaw, Legan and Williams (159), relating to official state emblems.

**HB 701**, introduced by Representative Lakin, relating to comprehensive fraud protection in the administration of the public assistance program.

**HB 702**, introduced by Representative McLuckie, et al, relating to financial institutions.

**HB 703**, introduced by Representative May (108), et al, relating to workers' compensation.

**HB 704**, introduced by Representative Tate, relating to state colleges and universities.

**HB 705**, introduced by Representative Boucher, relating to providing certain recipients of public assistance with benefits for relocation.

**HB 706**, introduced by Representative Stroker, et al, relating to ordinances of certain municipalities.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 14**, entitled:

An act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1997.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 14, Page 1, Section 14.005, by deleting said section in its entirety; and

Further amend said bill, Page 2, Section 14.020, by inserting immediately after said section the following new section:

"Section 14.022. To the Department of Elementary and Secondary Education

For the Commission for the Deaf

Expense and Equipment

From Missouri Board for the Deaf Certification of Interpreters Fund.....$6,000"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 11**, entitled:

An act to repeal sections 49.082, 50.334, 51.281, 52.269, 53.082, 53.270, 54.261, 54.320, 55.091, 56.600, 57.317 and 57.550, RSMo 1994, and sections 50.333, 50.343, 56.265 and 58.095, RSMo Supp. 1996, relating to certain county officers and to enact in lieu thereof nineteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 16**, entitled:

An act to repeal sections 105.450, 105.472, 105.492, 105.957, 105.959, 105.961, 105.963, 105.969, 130.016, 130.021, 130.031, 130.032, 130.036, 130.038, 130.051, 130.053, 130.054 and 130.056, RSMo 1994, and sections 105.483, 105.487, 130.011, 130.034, 130.037, 130.041, 130.046, 130.052, 130.100, 130.120, 130.130 and 130.140, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions and with a termination date for a certain section.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, February 20, 1997.

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Thursday, February 20, 1997, 9:45 am. Side gallery. Executive session.

To be considered - HB 528

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Thursday, February 20, 1997. Hearing Room 5 upon morning adjournment.

Mark-up Dept. of Health and Mental Health. CANCELLED

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, February 24, 1997, 10:30 am. Hearing Room 7. Possible evening session until finished. Mark-up Dept.of Health.

APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS

Thursday, February 20, 1997. Hearing Rooms 1 and 2 upon adjournment.

Possible executive session.

To be considered - HB 9, HB 11

BUDGET

Thursday, February 20, 1997, 8:30 am. Hearing Room 9. Possible executive session.

AMENDED NOTICE

To be considered - HB 2, HB 3, HB 4, HJR 12

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, February 20, 1997, 9:30 am. Side gallery.

To be considered - Executive Session - HJR 2, Executive Session - HB 382,

Executive Session - HJR 9

ELECTIONS

Thursday, February 20, 1997. Side gallery upon morning adjournment. Executive session.

To be considered - HB 495

ELECTIONS

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 400, HB 428, HB 526, HB 577

ENVIRONMENT AND ENERGY

Thursday, February 20, 1997, 8:30 am. Hearing Room 8. Executive session will follow.

To be considered - HCR 9, HCR 12

ENVIRONMENT AND ENERGY

Monday, February 24, 1997, 2:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 288, HB 536

ETHICS

Thursday, February 20, 1997. North side gallery upon adjournment. House Democratic Caucus. AMENDED NOTICE House Committee Chairs Caucus.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 20, 1997, 9:00 am. Hearing Room 7. Oversight audit reports.

Contested fiscal note SB 268.

JUDICIARY

Thursday, February 20, 1997, 9:00 am. North side gallery.

To be considered - Executive Session - HB 364, Executive Session - HB 339

PROFESSIONAL REGISTRATION & LICENSING

Thursday, February 20, 1997, 9:30 am. Room 401. Executive session.

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, February 20, 1997. Side gallery upon adjournment. Executive session to follow.

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, February 24, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 434, HB 614, HB 624

UTILITIES REGULATION

Thursday, February 20, 1997, 8:00 am. Hearing Room 5. Executive session may follow.

To be considered - HB 471, HB 188, HB 620

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Thursday, February 20, 1997, 9:00 am. Hearing Rooms 1 and 2. Executive session to follow.

To be considered - HB 426

**HOUSE CALENDAR**

TWENTY-SEVENTH DAY, THURSDAY, FEBRUARY 20, 1997

**HOUSE BILLS FOR SECOND READING**

HB 692 through HB 706

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 229, HCA 1 - Auer

HB 107, HCA 1 - Boucher

HB 32 - Bland

HB 516, HCA 1 - Backer

HB 34 - Bland

HB 354 - Murray (69)

HCS HB 87 & 264 - Kreider

HB 259 - Liese

HB 342 - Lumpe

HB 390 - Hoppe

HCS HB 356 - Skaggs

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

**HOUSE BILLS FOR THIRD READING**

HB 491, E.C. (Budget Fiscal, 2-17-97) - Gaw

HB 151 - Smith

HB 51, E.C. - Shear

**SENATE BILLS FOR SECOND READING**

SS SB 11

SCS SB 16

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97) - Backer

HR 166, (2-19-97) - Williams (121)

HR 215, (2-19-97) - Akin

**COURTESY RESOLUTIONS**

HR 230 - Bartelsmeyer

HR 231 - Kennedy

HR 233 - Howerton

HR 234 - Howerton

HR 235 - Clayton

HR 236 - Kelly (27)

HR 237 - Thomason (163)

HR 238 - Copeland

HR 239 - Foster

HR 240 - Foster

HR 241 - Backer

HR 242 - Vogel

HR 243 - Luetkenhaus

HR 244 - Richardson

HR 245 - Fitzwater

HR 246 - Lawson

HR 247 - Lawson

HR 248 - Lawson

HR 249 - Lawson

HR 250 - Lawson

HR 251 - Lawson

HR 252 - Gaw

HR 253 - Gaw

HR 254 - Campbell

HR 255 - Campbell

HR 256 - Hartzler (123)

HR 257 - Ridgeway

HR 258 - Enz

HR 259 - Enz

HR 260 - Legan

HR 261 - Richardson

HR 262 - Murphy

HR 263 - Stoll

HR 264 - Stoll

HR 265 - Townley

HR 266 - Surface

HR 267 - Ransdall

HR 268 - Campbell

HR 269 - Heckemeyer

HR 270 - Howerton

HR 271 - Marble

HR 272 - Evans

HR 273 - Skaggs

HR 274 - Barnett (4)

HR 275 - Barnett (4)

HR 276 - Pryor

HR 277 - Pryor

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# House Journal

## First Regular Session, 89th General Assembly

TWENTY-SEVENTH DAY, Thursday, February 20, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Today, Lord of creation, as the rain refreshes the dry earth, may your spirit refresh the dryness in our lives. Bless us as we work in this place so that our actions might be charitable and beneficial to those we represent.

Each person here faces this day with personal concerns. The parent who worries about the safety of his or her own children considers the safety of Missouri's children; those who deal daily with the pressure of financial burdens are concerned and care about families who struggle under the welfare system. Help these representatives who work for the people of this state entrust their own concerns into your keeping.

And now, as the business of this day continues, out of the great abundance of your mercy and love strengthen those here for the tasks of the day. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-sixth day was approved as corrected.

**RESOLUTIONS**

Representative Liese offered House Resolution No. 278, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kreider offered House Resolution No. 279, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution No. 280, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Berkstresser offered House Resolution No. 281, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murray offered House Resolution No. 282, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 283, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Froelker offered House Concurrent Resolution No. 17.

**COURTESY RESOLUTIONS**

House Resolution Nos. 230, 231 and 233 through 277 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 230, 231 and 233 through 277 were adopted.

**SECOND READING OF HOUSE BILLS**

**HB 692** through **HB 706** were read the second time.

**SECOND READING OF SENATE BILLS**

**SS SB 11** and **SCS SB 16** were read the second time.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 11**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 491 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**HOUSE BILL WITH SENATE AMENDMENT**

**HB 14, with Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter Daniel 42 Ford Hand Scott

Stoll

VACANIES: 002

On motion of Representative Lumpe, **HB 14, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Hohulin Purgason

PRESENT: 000

ABSENT WITH LEAVE: 006

Carter Daniel 42 Ford Hand Legan

Scott

VACANIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HB 107, with House Committee Amendment No. 1**, relating to state purchasing, was taken up by Representative Boucher.

On motion of Representative Boucher, House Committee Amendment No. 1 was adopted.

Representative Graham (24) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 107, Page 1, Section 1, Line 5, by inserting after the word "**amended**" the following: "**and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920, RSMo**".

On motion of Representative Graham (24), House Amendment No. 1 was adopted by the following vote:

AYES: 133

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Bonner Bray 84 Broach Burton

Champion Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Days

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Hagan-Harrell

Hall Harlan Heckemeyer Hegeman Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Treadway

Troupe Van Zandt Vogel Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 020

Ballard Boatright Campbell Davis 122 Gaston

Gunn Hartzler 123 Hartzler 124 Hendrickson Hickey

Hohulin Holand McLuckie Miller Rizzo

Robirds Skaggs Townley Wannenmacher Wooten

PRESENT: 002

Boucher Clayton

ABSENT WITH LEAVE: 006

Carter Daniel 42 Ford Hand Scott

Thompson 37

VACANIES: 002

On motion of Representative Boucher, **HB 107, as amended,** was ordered perfected and printed.

**HB 516, with House Committee Amendment No. 1**, relating to motor vehicle franchise practices, was taken up by Representative Backer.

On motion of Representative Backer, House Committee Amendment No. 1 was adopted.

Representative Thomason (163) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 516, Page 1, In the Title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 13, Section 621.053, Line 4, by inserting after all of said line the following:

"Section B. Nine new sections are enacted to be known as sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, to read as follows:

**Section 1. As used in sections 1 to 9 of this act, unless the context otherwise requires, the following terms mean:**

**(1) "Administrative hearing commission", the body established in chapter 621, RSMo, to conduct administrative hearings;**

**(2) "Coerce", to force a person to act in a given manner or to compel by pressure or threat but shall not be construed to include the following:**

**(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion;**

**(b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement;**

**(c) Any other conduct set forth in section 7 of this act as a defense to an action brought pursuant to sections 1 to 9 of this act; or**

**(d) Any other conduct set forth in sections 1 to 9 of this act that is permitted of the franchisor or is expressly excluded from coercion or a violation of sections 1 to 9 of this act;**

**(3) "Franchise", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motorcycles, parts and accessories for sale at wholesale or retail;**

**(4) "Franchisee", a person to whom a franchise is granted;**

**(5) "Franchisor", a person who grants a franchise to another person;**

**(6) "Motorcycle", a motor vehicle operated on two wheels;**

**(7) "New", when referring to motorcycles or parts, means those motorcycles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109, RSMo;**

**(8) "Person", a sole proprietor, partnership, corporation, or any other form of business organization.**

**Section 2. Any person who is engaged or engages directly or indirectly in purposeful contacts within the state of Missouri in connection with the offering, advertising, purchasing, selling, or contracting to purchase or to sell new motorcycles, or who, being a motorcycle franchisor, is transacting or transacts any business with a motorcycle franchisee who maintains a place of business within the state and with whom the person has a franchise, shall be subject to the jurisdiction of the courts of the state of Missouri, upon service of process in accordance with the provisions of section 506.510, RSMo, irrespective of whether such person is a manufacturer, importer, distributor or dealer in new motorcycles.**

**Section 3. 1. Any party seeking relief pursuant to the provisions of sections 1 to 9 of this act may file an application for a hearing with the administrative hearing commission within the time periods specified in this section. The application for a hearing shall comply with the requirements for a request for agency action set forth in chapter 536, RSMo. Simultaneously, with the filing of the application for a hearing with the administrative**

**hearing commission, the applicant shall send by certified mail, return receipt requested, a copy of the application to the party or parties against whom relief is sought. Within ten days of receiving a timely application for a hearing, the administrative hearing commission shall enter an order fixing a date, time and place for a hearing on the record. Such hearing shall be within forty-five days of the date of the order but the administrative hearing commission may continue the hearing date up to forty-five additional days by agreement of the parties or upon a finding of good cause. The administrative hearing commission shall send by certified mail, return receipt requested, a copy of the order to the party seeking relief and to the party or parties against whom relief is sought. The order shall also state that the party against whom relief is sought shall not proceed with the initiation of its activity or activities until the administrative hearing commission issues its final decision or order.**

**2. Unless otherwise expressly provided in sections 1 to 9 of this act, the provisions of chapter 536, RSMo, shall govern hearings and prehearing procedures conducted pursuant to the authority of this section. The administrative hearing commission shall issue a final decision or order, in proceedings arising pursuant to the provisions of sections 1 to 9 of this act, within sixty days from the conclusion of the hearing. Any final decisions shall be subject to review pursuant to a petition for review to be filed in the court of appeals in the district in which the hearing, or any part of the hearing, is held and by delivery of copies of the petition to each party of record, within thirty days after the mailing or delivery of the final decision and notice of the final decision in such a case. Review pursuant to this section shall be exclusive and decisions of the administrative hearing commission reviewable pursuant to this section shall not be reviewable in any other proceeding, and no other official or court shall have power to review any such decision by an action in the nature of mandamus or otherwise, except pursuant to the provisions of this section. The party seeking review shall be responsible for the filing of the transcript and record of all proceedings before the administrative hearing commission with the appropriate court of appeals.**

**3. Any franchisee receiving a notice from a franchisor pursuant to the provisions of sections 1 to 9 of this act, or any franchisee adversely affected by a franchisor's acts or proposed acts described in the provisions of sections 1 to 9 of this act, shall be entitled to file an application for a hearing before the administrative hearing commission for a determination as to whether the franchisor has good cause for its acts or proposed acts.**

**4. Not less than sixty days before the effective date of the initiation of any enumerated act pursuant to subdivisions (5),(6),(7) and (14) of subsection 1 of section 4 of this act, a franchisor shall give written notice to the affected franchisee or franchisees, by certified mail, return receipt requested, except as follows:**

**(1) Upon the initiation of an act pursuant to subdivision (5) of subsection 1 of section 4 of this act, such notice shall be given not less than fifteen days before the effective date of such act only if the grounds for the notice include the following:**

**(a) Transfer of any ownership or interest in the franchised dealership without the consent of the motorcycle franchisor;**

**(b) Material misrepresentation by the motorcycle franchisee in applying for the franchise;**

**(c) Insolvency of the motorcycle franchisee or the filing of any petition by or against the motorcycle franchisee under any bankruptcy or receivership law;**

**(d) Any unfair business practice by the motorcycle franchisee after the motorcycle franchisor has issued a written warning to the motorcycle franchisee to desist from such practice;**

**(e) Conviction of the motorcycle franchisee of a crime which is a felony;**

**(f) Failure of the motorcycle franchisee to conduct customary sales and service operations during customary business hours for at least seven consecutive business days unless such closing is due to an act of God, strike or labor difficulty or other cause over which the motorcycle franchisee has no control; or**

**(g) Revocation of the motorcycle franchisee's license;**

**(2) Upon initiation of an act pursuant to subdivision (7) of subsection 1 of section 4 of this act, such notice shall be given within sixty days of the franchisor's receipt of a written proposal to consummate such sale or transfer and the receipt of all necessary information and documents generally used by the franchisor to conduct its**

**review. The franchisor's notice of disapproval shall also specify the reasonable standard which the franchisor contends is not satisfied and the reason the franchisor contends such standard is not satisfied. Failure on the part of the franchisor to provide such notice shall be conclusively deemed an approval by the franchisor of the proposed sale or transfer to the proposed transferee. A franchisee's application for a hearing shall be filed with the administrative hearing commission within twenty days from receipt of such franchisor's notice;**

**(3) Pursuant to paragraphs (a) and (b) of subdivision (14) of subsection 1 of section 4 of this act, such notice shall be given within sixty days of the franchisor's receipt of a deceased or incapacitated franchisee's designated family member's intention to succeed to the franchise or franchises or of the franchisor's receipt of the personal and financial data of the designated family member, whichever is later.**

**5. A franchisor's notice to a franchisee or franchisees pursuant to subdivisions (5), (6), (7) and (14) of subsection 1 of section 4 of this act shall contain a statement of the particular grounds supporting the intended action or activity which shall include any reasonable standards which were not satisfied. The notice shall also contain at a minimum, on the first page thereof, a conspicuous statement which reads as follows: "NOTICE TO FRANCHISEE: YOU MAY BE ENTITLED TO FILE A PROTEST WITH THE MISSOURI ADMINISTRATIVE HEARING COMMISSION IN JEFFERSON CITY, MISSOURI, AND HAVE A HEARING IN WHICH YOU MAY PROTEST THE CONTENTS OF THIS NOTICE. ANY ACTION MUST BE FILED WITHIN TWENTY DAYS FROM RECEIPT OF THIS NOTICE."**

**6. When more than one application for a hearing is filed with the administrative hearing commission, the administrative hearing commission may consolidate the applications into one proceeding to expedite the disposition of all relevant issues.**

**7. In all proceedings before the administrative hearing commission pursuant to this section and section 4 of this act, where the franchisor is required to give notice pursuant to subsection 4 of this section, the franchisor shall have the burden of proving by a preponderance of the evidence that good cause exists for its actions. In all other actions, the franchisee shall have the burden of proof.**

**Section 4. Notwithstanding the terms of any franchise agreement, the performance, whether by act or omission, by a motorcycle franchisor of any or all of the following acts enumerated in this subsection are hereby defined as unlawful practices, the remedies for which are set forth in section 7 of this act:**

**(1) To engage in any conduct which is capricious, in bad faith, or unconscionable and which causes damage to a motorcycle franchisee or to the public; provided, that good faith conduct engaged in by motorcycle franchisors as sellers of new motorcycles or parts or as holders of security interests therein, in pursuit of rights or remedies accorded to sellers of goods or to holders of security interests pursuant to the provisions of chapter 400, RSMo, uniform commercial code, shall not constitute unfair practices pursuant to sections 1 to 9 of this act;**

**(2) To coerce any motorcycle franchisee to accept delivery of any new motorcycle or motorcycles, equipment, parts or accessories therefor, or any other commodity or commodities which such motorcycle franchisee has not ordered after such motorcycle franchisee has rejected such commodity or commodities. It shall not be deemed a violation of this section for a motorcycle franchisor to require a motorcycle franchisee to have an inventory of parts, tools and equipment reasonably necessary to service the motorcycles sold by a motorcycle franchisor; or new motorcycles reasonably necessary to meet the demands of dealers or the public or to display to the public the full line of a motorcycle franchisor's product line;**

**(3) To unreasonably refuse to deliver in reasonable quantities and within a reasonable time after receipt of orders for new motorcycles, such motorcycles as are so ordered and as are covered by such franchise and as are specifically publicly advertised by such motorcycle franchisor to be available for immediate delivery; provided, however, the failure to deliver any motorcycle shall not be considered a violation of sections 1 to 9 of this act if such failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, shortage of products or materials, freight delays, embargo or other cause of which such motorcycle franchisor has no control;**

**(4) To coerce any motorcycle franchisee to enter into any agreement with such motorcycle franchisor or to do any other act prejudicial to such motorcycle franchisee, by threatening to cancel any franchise or any contractual agreement existing between such motorcycle franchisor and motorcycle franchisee; provided, however, that notice in good faith to any motorcycle franchisee of such motorcycle franchisee's violation of any provisions of such franchise or contractual agreement shall not constitute a violation of sections 1 to 9 of this act;**

**(5) To terminate, cancel or refuse to continue any franchise, directly or indirectly through the actions of the**

franchisor, unless such new motorcycle franchisee substantially defaults in the performance of such franchisee's reasonable and lawful obligations under such franchisee's franchise, or such new motorcycle franchisor discontinues the sale in the state of Missouri of such franchisor's products which are the subject of the franchise:

(a) Notwithstanding the terms of any franchise agreement to the contrary, good cause to terminate, cancel or refuse to continue any franchise agreement shall not be established based upon the fact that the motorcycle franchisee owns, has an investment in, participates in the management of or holds a franchise agreement for the sale or service of another make or line of new motorcycles or the motorcycle dealer has established another make or line of new motorcycles or service in the same dealership facilities as those of the motorcycle franchisor prior to February 1, 1997, or such establishment is approved in writing by the franchisee and the franchisor. If the franchise agreement requires the approval of the franchisor, such approval shall be requested in writing by the franchisee and the franchisor shall approve or disapprove such a request in writing within sixty days of receipt of such request. A request from a franchisee shall be deemed to have been approved if the franchisor fails to notify the franchisee, in writing, of its disapproval within sixty days after its receipt of the written request;

(b) In determining whether good cause exists, the administrative hearing commission shall take into consideration the existing circumstances, including, but not limited to, the following factors:

a. The franchisee's sales in relation to sales in the market;

b. The franchisee's investment and obligations;

c. Injury to the public welfare;

d. The adequacy of the franchisee's service facilities, equipment, parts and personnel in relation to those of other franchisees of the same line-make;

e. Whether warranties are being honored by the franchisee;

f. The parties' compliance with their franchise agreement;

g. The desire of a franchisor for market penetration or a market study, if any, prepared by the franchisor or franchisee are two factors which may be considered;

h. The harm to the franchisor;

(6) To prevent by contract or otherwise, any motorcycle franchisee from changing the capital structure of the franchisee's franchise of such motorcycle franchisee or the means by or through which the franchisee finances the operation of the franchisee's franchise, provided the motorcycle franchisee at all times meets any reasonable capital standards agreed to between the motorcycle franchisee and the motorcycle franchisor and grants to the motorcycle franchisor a purchase money security interest in the new motorcycles, new parts and accessories purchased from the motorcycle franchisor;

(7) (a) Prevent, by contract or otherwise, any sale or transfer of a franchisee's franchise or franchises or interest or management thereof; provided, if the franchise specifically permits the franchisor to approve or disapprove any such proposed sale or transfer, a franchisor shall only be allowed to disapprove a proposed sale or transfer if the interest being sold or transferred when added to any other interest owned by the transferee constitutes fifty percent or more of the ownership interest in the franchise and if the proposed transferee fails to satisfy any standards of the franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which relate to the proposed management or ownership of the franchise operations or to the qualification, capitalization, integrity or character of the proposed transferee and which are reasonable. A franchisee may request, at any time, that the franchisor provide a copy of the standards which are normally relied upon by the franchisor to evaluate a proposed sale or transfer and a proposed transferee;

(b) The franchisee and the prospective franchisee shall cooperate fully with the franchisor in providing information relating to the prospective transferee's qualifications, capitalization, integrity and character;

(c) In the event of a proposed sale or transfer of a franchise, the franchisor shall be permitted to exercise a right

of first refusal to acquire the franchisee's assets or ownership if:

a. The franchise agreement permits the franchisor to exercise a right of first refusal to acquire the franchisee's assets or ownership in the event of a proposed sale or transfer;

b. Such sale or transfer is conditioned upon the franchisor or franchisee entering a franchise agreement with the proposed transferee;

c. The exercise of the right of first refusal shall result in the franchisee and the franchisee's owners receiving the same or greater consideration and the same terms and conditions as contracted to receive in connection with the proposed sale or transfer;

d. The sale or transfer does not involve the sale or transfer to an immediate member or members of the family of one or more franchisee owners, defined as a spouse, child, grandchild, spouse of a child or grandchild, brother, sister or parent of the franchisee owner, or to the qualified manager, defined as an individual who has been employed by the franchisee for at least two years and who otherwise qualifies as a franchisee operator, or a partnership or corporation controlled by such persons; and

e. The franchisor agrees to pay the reasonable expenses, including attorney's fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed transferee prior to the franchisor's exercise of its right of first refusal in negotiating and implementing the contract for the proposed sale or transfer of the franchise or the franchisee's assets. Notwithstanding the foregoing, no payment of such expenses and attorney's fees shall be required if the franchisee has not submitted or caused to be submitted an accounting of those expenses within fourteen days of the franchisee's receipt of the franchisor's written request for such an accounting. Such accounting may be requested by a franchisor before exercising its right of first refusal;

(d) For determining whether good cause exists for the purposes of this subdivision, the administrative hearing commission shall take into consideration the existing circumstances, including, but not limited to, the following factors:

a. Whether the franchise agreement specifically permits the franchisor to approve or disapprove any proposed sale or transfer;

b. Whether the interest to be sold or transferred when added to any other interest owned by the proposed transferee constitutes fifty percent or more of the ownership interest in the franchise;

c. Whether the proposed transferee fails to satisfy any standards of the franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which are related to the proposed management or ownership of the franchise operations or to the qualification, capitalization, integrity or character of the proposed transferee which are reasonable;

d. Injury to the public welfare;

e. The harm to the franchisor;

(8) To prevent by contract or otherwise any motorcycle franchisee from changing the executive management of motorcycle franchisee's business, except that any attempt by a motorcycle franchisor to demonstrate by giving reasons that such change in executive management will be detrimental to the distribution of the motorcycle franchisor's motorcycles shall not constitute a violation of this subdivision;

(9) To impose unreasonable standards of performance upon a motorcycle franchisee;

(10) To require a motorcycle franchisee at the time of entering into a franchise arrangement to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by sections 1 to 9 of this act;

(11) To prohibit directly or indirectly the right of free association among motorcycle franchisees for any lawful

**purpose;**

**(12) To provide any term or condition in any lease or other agreement ancillary or collateral to a franchise, which term or condition directly or indirectly violates the provisions of sections 1 to 9 of this act;**

**(13) Upon any termination, cancellation or refusal to continue any franchise or any discontinuation of any line-make or parts or products related to such line-make by a franchisor, fail to pay reasonable compensation to a franchisee as follows:**

**(a) Any new, undamaged and unsold motorcycles in the franchisee's inventory of either the current model year or purchased from the franchisor within one hundred twenty days prior to receipt of a notice of termination or nonrenewal, provided the motorcycle has less than twenty miles registered on the odometer, including mileage incurred in delivery from the franchisor or in transporting the motorcycle between dealers for sale, at the dealer's net acquisition cost, plus any cost to the dealer for returning the motorcycle inventory to the franchisor;**

**(b) The current parts catalog cost to the dealer of each new, unused, undamaged and unsold part or accessory if the part or accessory is in the current parts catalog, less applicable allowances, plus five percent of the catalog price of the part for the cost of packing and returning the parts to the franchisor. In the case of sheet metal, a comparable substitute for the original package may be used. Reconditioned or core parts shall be valued at their core value, the price listed in the current parts catalog or the amount paid for expedited return of core parts, whichever is higher. If the part or accessory was purchased by the franchisee from an outgoing authorized franchisee, the franchisor shall purchase the part for either the price in the current parts catalog or the franchisee's actual purchase price of the part, whichever is less;**

**(c) The depreciated value determined pursuant to generally accepted accounting principles of each undamaged sign owned by the franchisee which bears a trademark or trade name used or claimed by the franchisor if the sign was purchased from, or purchased at the request of, the franchisor;**

**(d) The fair market value of all special tools, data processing equipment and motorcycle service equipment owned by the franchisee which were recommended in writing and designated as special tools and equipment and purchased from, or purchased at the request of, the franchisor within three years of the termination of the franchise, if the tools and equipment are in usable and good condition, except for reasonable wear and tear;**

**(e) Except as provided in paragraph (a) of this subdivision, the cost of transporting, handling, packing, storing and loading of any property subject to repurchase pursuant to this section shall not exceed reasonable and customary charges; and**

**(f) The franchisor shall pay the franchisee the amounts specified in this subdivision within ninety days after the tender of the property subject to the franchisee providing evidence of good and clear title upon return of the property to the franchisor. Unless previous arrangements have been made and agreed upon, the franchisee is under no obligation to provide insurance for the property left after one hundred eighty days;**

**(14) To prevent or refuse to honor the succession to a franchise or franchises by any legal heir or devisee under the will of a franchisee, under any written instrument filed with the franchisor designating any person as the person's successor franchisee, or pursuant to the laws of descent and distribution of this state; provided:**

**(a) Any designated family member of a deceased or incapacitated franchisee shall become the succeeding franchisee of such deceased or incapacitated franchisee if such designated family member gives the franchisor written notice of such family member's intention to succeed to the franchise or franchises within forty-five days after the death or incapacity of the franchisee, and agrees to be bound by all of the terms and conditions of the current franchise agreement, and the designated family member meets the current reasonable criteria generally applied by the franchisor in qualifying franchisees. A franchisee may request, at any time, that the franchisor provide a copy of such criteria generally applied by the franchisor in qualifying franchisees;**

**(b) The franchisor may request from a designated family member such personal and financial data as is reasonably necessary to determine whether the existing franchise agreement should be honored. The designated family member shall supply the personal and financial data promptly upon the request;**

**(c) If the designated family member does not meet the reasonable criteria generally applied by the franchisor in qualifying franchisees, the discontinuance of the current franchise agreement shall take effect not less than ninety days after the date the franchisor serves the required notice on the designated family member pursuant to subsection 4 of section 3 of this act;**

**(d) The provisions of this subdivision shall not preclude a franchisee from designating any person as the person's successor by written instrument filed with the franchisor, and if such an instrument is filed, it alone shall determine the succession rights to the management and operation of the franchise; and**

**(e) For determining whether good cause exists, the administrative hearing commission shall take into consideration the existing circumstances, including, but not limited to, the following factors:**

**a. Whether the franchise agreement specifically permits the franchisor to approve or disapprove any successor;**

**b. Whether the proposed successor fails to satisfy any standards of the franchisor which are in fact normally relied upon by the franchisor prior to the successor entering into a franchise, and which relate to the proposed management or ownership of the franchise operation or to the qualification, capitalization, integrity or character of the proposed successor and which are reasonable;**

**c. Injury to the public welfare;**

**d. The harm to the franchisor;**

**(15) To coerce, threaten, intimidate or require a franchisee under any condition affecting or related to a franchise agreement, or to waive, limit or disclaim a right that the franchisee may have pursuant to the provisions of sections 1 to 9 of this act. Any contracts or agreements which contain such provisions shall be deemed against the public policy of the state of Missouri and are void and unenforceable. Nothing in this section shall be construed to prohibit voluntary settlement agreements;**

**(16) To initiate any act enumerated in this subsection on grounds that it has advised a franchisee of its intention to discontinue representation at the time of a franchisee change.**

**Section 5. When a franchised dealer or manufacturer proposes to establish or relocate a motorcycle dealership within any city not within a county, the dealer or manufacturer shall make reasonable efforts to establish or relocate such dealership in an area within such city that improves the equitable distribution of dealerships within such city and is conveniently located to serve minorities who reside in such city.**

**Section 6. The Missouri motor vehicle commission, in approving licenses for dealer franchises in any metropolitan statistical area with a population of more than one million inhabitants as defined by the federal Office of Management and Budget or its successor agency shall ensure that the community of dealer franchises shall reflect an adequate percentage of minority-owned businesses.**

**Section 7. It shall be a defense for a motorcycle franchisor, to any action brought pursuant to sections 1 to 9 of this act by a motorcycle franchisee, if it is shown that such motorcycle franchisee has failed to substantially comply with reasonable and lawful requirements imposed by the franchise and other agreements ancillary or collateral thereto, or if the motorcycle franchisee, or any of its officers, have been convicted of a felony relevant to business honesty or business practices, or if the motorcycle franchisee has ceased conducting its business or has abandoned the franchise, or is insolvent as that term is defined in subdivision (23) of section 400.1-201, RSMo, or has filed a voluntary petition in bankruptcy, or has made an assignment for benefit of creditors, or has been the subject of an involuntary proceeding under the federal bankruptcy act or under any state insolvency law which is not vacated within twenty days from the institution thereof, or there has been an appointment of a receiver or other officer having similar powers for the motorcycle franchisee or the motorcycle franchisee's business who is not removed within twenty days from the person's appointment, or there has been a levy under attachment, execution or similar process which is not within ten days vacated or removed by payment or bonding, and it shall be a defense to any action brought pursuant to sections 1 to 9 of this act that the complained of conduct by a motorcycle franchisor was undertaken in good faith in pursuit of rights or remedies accorded to a motorcycle franchisor as a seller of goods or a holder of a security interest pursuant to the provisions of chapter 400, RSMo.**

**Section 8. No franchisee or franchisor shall use any false, deceptive or misleading advertising.**

**Section 9. In addition to the administrative relief provided in sections 1 to 9 of this act, any motorcycle franchisee may bring an action against a motorcycle franchisor with whom the franchisee has a franchise, for an act or omission which constitutes an unlawful practice as defined in section 4 of this act to recover damages sustained by reason thereof, and, where appropriate, such motorcycle franchisee shall be entitled to injunctive relief, but the remedies set forth in this section shall not be deemed exclusive and shall be in addition to any other remedies permitted by law.**".

On motion of Representative Thomason (163), House Amendment No. 1 was adopted.

**HB 516, as amended,** was placed on the Informal Calendar.

Speaker Pro Tem Kreider assumed the Chair.

**THIRD READING OF HOUSE BILLS**

**HB 491**, relating to sales use tax, was taken up by Representative Gaw.

On motion of Representative Gaw, **HB 491** was read the third time and passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Carter Daniel 42 Ford Hand Scott

Thompson 37 Troupe

VACANIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Carter Daniel 42 Ford Hand Scott

Thompson 37 Troupe

VACANIES: 002

On motion of Representative McLuckie, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**HB 151**, relating to hazardous waste, was taken up by Representative Smith.

On motion of Representative Smith, **HB 151** was read the third time and passed by the following vote:

AYES: 106

Alter Auer Backer Ballard Barry 100

Bauer Bennett 15 Bland Bonner Boucher

Bray 84 Broach Campbell Champion Cierpiot

Clayton Copeland Crump Daniels 41 Davis 63

Davis 122 Days Dolan Donovan Dougherty
Edwards-Pavia Farmer Farnen Fitzwater Foley
Franklin Fritts Froelker Gibbons Goward
Graham 24 Gratz Green Griesheimer Gunn
Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hickey
Holand Hollingsworth Hoppe Hosmer Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Kreider Lakin Leake Liese
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Monaco Murray Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Ransdall Relford Reynolds Ridgeway Rizzo
Robirds Scheve Schilling Schwab Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Surface
Tate Thomason 163 Treadway Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 048

Akin Barnett 4 Bartelsmeyer Berkstresser Boatright
Burton Chrismer Cooper Crawford Elliott
Enz Evans Foster Gaskill Gaston
Graham 106 Gross Hall Hartzler 124 Hegeman
Hendrickson Hohulin Howerton Koller Legan
Lawson Levin Linton Lograsso Long
Loudon Marble Miller Murphy Naeger
Patek Pouche Pryor Purgason Reinhart
Richardson Ross Sallee Secrest Steen
Summers Townley Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 007

Carter Daniel 42 Ford Hand Scott
Thompson 37 Troupe

VACANIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**HB 51**, relating to Humanities Trust Fund, was taken up by Representative Shear.

On motion of Representative Shear, **HB 51** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Levin Liese Linton
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 005

Hohulin Legan Lograsso Murphy Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 008

Carter Daniel 42 Ford Hagan-Harrell Hand

Scott Thompson 37 Troupe

VACANIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 121

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Bonner Boucher Bray 84 Burton

Campbell Clayton Cooper Copeland Crump

Daniels 41 Davis 63 Davis 122 Days Dolan

Donovan Dougherty Enz Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Johnson Kasten Kauffman Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Levin Liese Long Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Ransdall

Relford Reynolds Rizzo Robirds Ross

Scheve Schilling Schwab Secrest Seigfreid

Shear Shelton 57 Shields Skaggs Smith

Stokan Stroker Summers Surface Tate

Thomason 163 Townley Treadway Van Zandt Vogel

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 030

Akin Boatright Broach Champion Chrismer

Cierpiot Crawford Edwards-Pavia Elliott Evans

Gaskill Gaston Gross Hall Hartzler 124

Hohulin Howerton Kelley 47 Legan Linton

Lograsso Loudon Patek Purgason Reinhart

Richardson Ridgeway Sallee Steen Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 010

Carter Daniel 42 Ford Hand Murphy

Scott Sheldon 104 Stoll Thompson 37

Troupe

VACANIES: 002

On motion of Representative Farmer, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 528**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Banks and Financial Institutions**, Chairman Copeland reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 369**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 100**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **HB 435**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1, 2, 3, 4, and 5.**

*House Committee Amendment No. 1*

AMEND HB 435, Section A, Page 1, by inserting immediately after said line the following:

99.835. 1. Obligations secured by the special allocation fund set forth in sections 99.845 and 99.850 for the redevelopment area or redevelopment project may be issued by the municipality pursuant to section 99.820 or by the tax increment financing commission to provide for redevelopment costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations by the receipts of payments in lieu of taxes as specified in section 99.855 and, subject to annual appropriation, other tax revenue as specified in section 99.845. A municipality may, in the ordinance or resolution, pledge all or any part of the funds in and to be deposited in the special allocation fund created pursuant to sections 99.845 and 99.850 to the payment of the redevelopment costs and obligations. Any pledge of funds in the special allocation fund may provide for distribution to the taxing districts of moneys not required for payment of redevelopment costs or obligations and such excess funds shall be deemed to be surplus funds**, except that any moneys allocated to the special allocation fund as provided in subsection 4 of section 98.845, and which are not required for payment of redevelopment costs and obligations, shall not be distributed to the taxing districts but shall be returned to the department of revenue**. In the event a municipality only pledges a portion of the funds in the special allocation fund for the payment of redevelopment costs or obligations, any such funds remaining in the special allocation fund after complying with the requirements of the pledge, including the retention of funds for the payment of future redevelopment costs, if so required, shall also be deemed surplus funds. All surplus funds shall be distributed annually to the taxing districts in the redevelopment area by being paid by the municipal treasurer to the county collector who shall immediately thereafter make distribution as provided in subdivision (11) of section 99.820.

2. Without limiting the provisions of subsection 1 of this section, the municipality may, in addition to obligations secured by the special allocation fund, pledge any part or any combination of net new revenues of any redevelopment project, or a mortgage on part or all of the redevelopment project to secure its obligations or other redevelopment costs.

3. Obligations issued under sections 99.800 to 99.865 may be issued in one or more series bearing interest at such rate or rates as the issuing body of the municipality shall determine by ordinance or resolution. Such obligations shall bear such date or dates, mature at such time or times not exceeding twenty-three years from their respective dates, when secured by the special allocation fund, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.800 to 99.865 may be sold at public or private sale at such price as shall be determined by the issuing body and shall state that obligations issued pursuant to sections 99.800 to 99.865 are special obligations payable solely from the special allocation fund or other funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to sections 99.800 to 99.865.

4. The ordinance authorizing the issuance of obligations may provide that the obligations shall contain a recital that they are issued pursuant to sections 99.800 to 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

5. Neither the municipality, its duly authorized commission, the commissioners or the officers of a municipality nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.800 to 99.865 shall not be a general obligation of the municipality, county, state of Missouri, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security therefor. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory or charter debt limitation or restriction.

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments other than payments in lieu of taxes, shall be allocated to, and paid by the collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments and personal property taxes, other than payments in lieu of taxes, shall be allocated to, and paid by the collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

**"4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, in addition to the payments in lieu of taxes and economic activity taxes described in Subsections 1, 2, and 3 of this section, fifty percent of all net new revenues from states sales taxes pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, generated by activities within the project area over and above the amount of such taxes generated by activities within the project area in the calendar year prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, shall be rebated to, and paid by the director of the**

**department of revenue according to rules promulgated by the department, pursuant to section 536.024, RSMo, to the treasurer or other designated financial officer of the municipality who shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.**

**5. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to section 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas, at the time of approval of the project by ordinance:**

**(1) Contained one or more buildings at least 50 years old; and**

**(2) suffered from generally declining population or property taxes over the twenty year period immediately preceding their designation as a project area by ordinance.**

**6. The fifty percent state sales tax authorized pursuant to subsection 4 of this section shall not be rebated by the department of revenue to a municipality until all of the following conditions have been satisfied:**

**(1) The department of economic development has approved an application made to it by the municipality for the rebate of state sales taxes;**

**(2) The affidavit required by section 99.810 (1) shall specify that the redevelopment area would not be reasonably anticipated to be developed without the rebate of the state sales taxes; and**

**(3) The cost-benefit analysis required by section 99.810 (5) includes a fiscal impact study upon the state of Missouri.**

**7. There is hereby established within the state treasury a special fund to be known as the "Missouri sales tax increment financing fund", to be administered by the department of revenue. The department shall credit to the Missouri sales tax increment financing fund the sales tax authorized under the provisions of subsection 4 of this section. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. Moneys in the Missouri sales tax increment financing fund shall be disbursed to the department of revenue pursuant to appropriations by the general assembly. The department shall disperse such appropriated funds in a timely manner into the separate, segregated account as authorized by subsection 4 of this section. All moneys remaining in the Missouri sales tax increment financing fund at the end of the fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri sales tax increment financing fund."**

Amend title and enacting clause accordingly.

*House Committee Amendment No. 2*

AMEND House Bill 435, Section 135.460, Subsection 5, Paragraph 5, Line 40, Page 9, by adding immediately after the word "year" on said line the following:

**", except that such credit shall not exceed ten thousand dollars per person."**

And further amend said Bill, Section 178.896, Page 10, Line 1, by inserting immediately before said section the following:

178.895. 1. To provide funds for the present payment of the costs of new jobs training programs, a community college district may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job training program to the special fund established by the district for each project. The total amount of outstanding certificates sold by all junior college districts shall not exceed twenty million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates.

Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. However, chapter 176, RSMo, does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state or

the community college district or of any other political subdivision of the state and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.893 which are pledged in the agreement.

6. The department of economic development shall coordinate the new jobs training program, and may promulgate rules that districts will use in developing projects with new and expanding industrial new jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Job Training Partnership Act. No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

7. No community college district may sell certificates as described in this section after July 1, **[**1998**]** **2008**.

Amend title and enacting clause accordingly.

*House Committee Amendment No. 3*

AMEND House Bill 435, Section 135.516, Line 82, Page 16, by inserting immediately after said line the following:

620.1072. The "Microenterprise **Revolving** Loan Fund" is hereby created in the state treasury. The fund shall consist of all moneys appropriated to it by the general assembly **[**and**],** all gifts, grants and bequests from federal, private or any other source**, and all repayment of moneys from eligible lenders,** for the purpose of assisting new or expanding microenterprises.

Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund at the end of any biennium.

620.1078. The department of economic development shall distribute moneys to eligible lenders from the microenterprise **revolving** loan fund within the limits of appropriations made by the general assembly. The eligible lenders shall charge the market rate of interest for loans made pursuant to sections 620.1069 to 620.1081. No loan shall be made pursuant to sections 620.1069 to 620.1081 for the refinancing of existing debt. Loans may only be made by eligible lenders in **[**one of the following two**]** **any of the following** categories:

(1) Group-based loans shall be available to microenterprises in need of loans between five hundred dollars and seven thousand five hundred dollars, as follows:

(a) A group-based loan program shall be approved by the eligible lending institution. A group shall consist of between five and seven eligible members who shall meet biweekly to make credit decisions, help one another in the solution of business problems, and receive loan repayments. The initial loan made by the group to the first eligible borrower shall not exceed two thousand five hundred dollars;

(b) Persons interested in participating in the group-based loan program shall petition the eligible lender for its approval to be placed within a group. Any loan which is approved must begin to be repaid within two weeks and continue to be repaid biweekly. After four biweekly payments, the group may select one or two other members to receive initial loans which may be in excess of two thousand five hundred dollars. The process for granting group-based loans pursuant to this subdivision shall continue until each member of the group has been considered for an initial loan. All repayments of such loans shall be placed into a revolving loan fund established by the eligible lender. All such loans shall be subject to examination by the state auditor;

(2) Institution-based loans shall be available to microenterprises directly from eligible lenders in amounts of between seven thousand five hundred dollars and fifteen thousand dollars. Such loans shall be made by eligible lenders who possess significant experience in providing business assistance. Repayment of such loans shall be placed in a revolving loan fund established by the eligible lender as provided in subdivision (1) of this section for group-based loans. Institution-based loan applications shall be reviewed by a credit committee which shall judge the merits of the proposed loan according to the local economy, the borrower's character, and the credit risk of the proposed loan. Institution-based loans shall be subject to examination by the state auditor the same as group-based loans**[**.**];**

**(3) Challenge loans shall be made available to eligible lenders. Such loans shall be made to groups which demonstrate new or innovative approaches to microenterprise development, as determined by the oversight committee established pursuant to section 620.1069. All such loans shall satisfy the requirements of section 620.1075. Loans shall be made available from a group to microenterprises in amounts of between five hundred dollars and seven thousand five hundred dollars. Repayment of such loans shall be placed in a revolving fund established by the lender similar to that as provided for in subdivision (1) of this section.**

Amend title and enacting clause accordingly.

*House Committee Amendment No. 4*

AMEND House Bill 435, Section 135.500, Page 13, Line 68, by inserting immediately after said line the following:

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

**2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to 375.916, RSMo, as a result of claiming that credit.**

**[**2**]3**. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. **The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates will be limited to ten million dollars.**

**[**3**]4**. The aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following

amounts: for calendar year 1996, $0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; and for any year thereafter, an **additional** amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.

**[**4**]5**. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection 3 of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

**6. Any investor not subject to state premium tax liability may use the credit referred to in this section against the investor's franchise and other taxes as permitted in section 148.064, RSMo, payable by the investor commencing in the year following the year of investment and subject to all other restrictions and limitations contained in sections 135.500 to 135.529.**

135.508. The department may certify profit or not for profit entities which submit an application to be designated as a Missouri certified capital company. The department shall review the organizational documents for each applicant for certification and the business history of the applicant, determine that the Missouri certified capital company's cash, marketable securities and other liquid assets are at least five hundred thousand dollars, determine that the liquid asset base for certified companies is at least five hundred thousand dollars at all times during the company's participation in the program authorized by sections 135.500 to 135.529, and determine that the officers and the board of directors, partners, trustees or managers are thoroughly acquainted with the requirements of sections 135.500 to 135.529. No insurance company **[**licensed by or transacting business in Missouri shall**] or bank investor which receives premium tax or bank franchise tax credits for an investment in a Missouri certified capital company may**, individually or with or through one or more affiliates, be a managing general partner of or control the direction of investments of **[**a**] that** Missouri certified capital company. Within seventy-five days of application, the department shall either issue the certification and notify the department of revenue and the director of the department of insurance of such certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including the suggestions for the removal of those grounds. The department shall be responsible for the administration of the tax credits authorized by sections 135.500 to 135.529.

148.064. 1. Notwithstanding any law to the contrary, this section shall determine the ordering and limit reductions for certain taxes and tax credits which may be used as credits against various taxes paid or payable by banking institutions. Except as adjusted in subsections 2 and 3, such credits shall be applied in the following order until used against:

(1) The tax on banks determined under subdivision (2) of subsection 2 of section 148.030;

(2) The tax on banks determined under subdivision (1) of subsection 2 of section 148.030;

(3) The state income tax in section 143.071, RSMo.

2. The tax credits permitted against taxes payable pursuant to subdivision (2) of subsection 2 of section 148.030 shall be utilized first and include taxes referenced in subdivisions (2) and (3) of subsection 1 of this section, which shall be determined without reduction for any tax credits identified in subsection 5 of this section which are used to reduce such taxes. Where a banking institution subject to this section joins in the filing of a consolidated state income tax return under chapter 143, RSMo, the credit allowed under this section for state income taxes payable under chapter 143, RSMo, shall be determined based upon the consolidated state income tax liability of the group and allocated to a banking institution, without reduction for any tax credits identified in subsection 5 of this section which are used to reduce such consolidated taxes as provided in chapter 143, RSMo.

3. The taxes referenced in subdivisions (2) and (3) of subsection 1 of this section may be reduced by the tax

credits in subsection 5 of this section without regard to any adjustments in subsection 2 of this section.

4. To the extent that certain tax credits which the taxpayer is entitled to claim are transferable, such transferability may include transfers among such taxpayers who are members of a single consolidated income tax return, and this subsection shall not impact other tax credit transferability.

5. For the purpose of this section, the tax credits referred to in subsections 2 and 3 shall include tax credits available for economic development, low-income housing and neighborhood assistance which the taxpayer is entitled to claim for the year, including by way of example and not of limitation, tax credits pursuant to the following sections: section 32.115, RSMo, section 100.286, RSMo, and sections 135.110, 135.225, 135.352, **[**and 135.403**] and 135.500 to 135.529**, RSMo.

*House Committee Amendment No. 5*

AMEND House Bill 435, Section 135.247, Line 50, Page 8, by inserting immediately after said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

(1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) "Community development corporation", **[**a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities;**] a not for profit corporation whose board of directors is composed of business, civic and community leaders, which organization's primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial and civic development or redevelopment of a community or area, including the provision of housing and community economic development projects that benefit low income individuals and communities;**

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;

(6) "Investment", a transaction in which a Missouri small business**, a community development corporation** or a community bank receives a monetary benefit from an investor under the provisions of sections 135.403 to 135.414;

(7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services;

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval.

135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment and any investor who makes a qualified investment in a community bank **or a community development corporation** shall be entitled to receive a tax credit equal to **[**thirty**]** **fifty** percent of the amount of the investment**[**. The tax credit shall be equal to fifty percent of the investment**]** if the investment is made in a community bank **or community development corporation** for direct investment into a targeted area as defined in **[**this**]** section **135.400**. **The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed five million dollars. [**At least eighty percent of the additional six million tax credits authorized by this section, and certified by the department of economic development, shall be for direct investment in targeted areas. Certification of these credits shall be limited to one million five hundred thousand in the first full year of authorization, an additional one million five hundred thousand in the second year of authorization and the two million available in the third year. To the extent that tax credits certified are less than the maximums prescribed in this subsection, such credits may be certified in succeeding years.**]** No more than twenty percent of the tax credits available each year for investments in community banks **or community development corporations** for direct investment into a targeted area shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed eleven million dollars **[**nor shall the aggregate of all tax credits authorized in the first full year of authorization exceed two million dollars.**]** Six million dollars **[**of this amount**]** in tax credits shall be available as a result of investments in community banks **or community development corporations**. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.

135.405. The total amount of tax credit evidenced by certificates of tax credit issued to or owned, directly or indirectly, by a single taxpayer authorized by the department who has invested in a Missouri small business shall be not less than one thousand five hundred dollars nor more than an aggregate of one hundred thousand dollars in any one business, except that this section shall not be interpreted to limit other investment. These limits shall not apply to **[**financial institutions'**]** investments in community banks **or community development corporations**."

And further amend said bill, Section 1, Line 7, Page 11, by adding immediately after said line the following:

"**Section 2. 1. The department of economic development shall identify active community development corporations operating within the state and assist them in the formation of a Missouri community development corporation association. With the assistance of the department, the association shall serve as a clearinghouse for information for community development corporations. The association shall help staff members of community development corporations develop administrative skills in such areas as entrepreneurial development, grant writing, real estate analysis, financial deals structuring, negotiations, human resource development, strategic planning, and community needs assessment. The association shall sponsor conferences which allow community development corporations to learn about community development activities statewide and at the federal level.**

**2. The Missouri community development association shall be funded by dues assessed against participating community development corporations and by appropriations made by the general assembly to the department of economic development. The association shall adopt, alter, or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; elect officers; make expenditures which are incidental and necessary to carry out its purposes and powers; and do all things necessary to ensure full participation by Missouri community development corporations in any federal program relating to community development needs.**

**Section 3. 1. The department of economic development shall establish a public-private partnership to be known as the Missouri community development corporation initiative. The initiative shall be supported by appropriations made to the department for that purpose and from federal funds and private corporations. All moneys for the operation of the initiative shall be deposited into the community development fund as established by section 135.401, RSMo.**

**2. The initiative shall support the organizational development of community development corporations. Its purpose is to help these corporations initiate and develop strategies which generate beneficial self-sustaining economic and human development activities in minority and underdeveloped communities. It shall use public and private dollars to identify community development corporations appropriate for assistance, to administer a grants process, to offer bridge financing, and to lend technical assistance in numerous areas including the construction of affordable housing and the development of commercial real estate. Funding from the initiative to community development corporations can be in the following forms:**

**(1) operational grants;**

**(2) special opportunity grants;**

**(3) gap financing for single and multi-family housing, office space, industrial space, plants and equipment, child care facilities, and small business incubators or entrepreneurial development;**

**(4) bridge loans for emergency needs;**

**(5) initial programs for emerging community development corporations to complete their first projects;**

**(6) certificate of deposit loan leveraging programs to leverage loans made to community development corporations by financial institutions for land acquisition and construction; and**

**(7) other financing programs which the initiative deems to be appropriate.**"

Mr. Speaker: Your Committee on Commerce, to which was referred **HB 589**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Consumer Protection**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 276**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HJR 2**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HJR 9**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 495**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 451**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **Request of the Missouri House Democratic Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470.4(2)(c)d.**

Please note: The successful motion to approve this caucus was made with a stipulation to include as members only those who have signed the Caucus Request.

DATE: February 11, 1997

TO: Representative Robert Clayton

Chairman, House Committee on Ethics

FROM: Representative Dana L. Murray

Majority Caucus Secretary

RE: Missouri House Democratic Caucus

In accordance with Section 105.470(6)4(2) and (c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Missouri House Democratic Caucus:

**District Signature**

3 /s/ Phil Tate

6 /s/ Randall Relford

8 /s/ Gary Wiggins

9 /s/ Sam Leake

10 /s/ Robert Clayton

11 /s/ Phil Smith

12 /s/ Bill Luetkenhaus

17 /s/ Don Kissell

20 /s/ Gracia Backer

21 /s/ Ted Farnen

22 /s/ Steve Gaw

23 /s/ Tim Harlan

24 /s/ Chuck Graham

25 /s/ Vicky Wilson

26 /s/ Jim Seigfreid

27 /s/ Glenda Kelly

29 /s/ Maurice Lawson

31 /s/ Bill Skaggs

33 /s/ Scott Lakin

36 /s/ Rodger Fitzwater

37 /s/ Vernon Thompson

38 /s/ Tim Van Zandt

39 /s/ Marsha Campbell

40 /s/ Henry Rizzo

41 /s/ Fletcher Daniels

42 /s/ Lloyd Daniel

43 /s/ Mary Bland

44 /s/ Steve McLuckie

46 /s/ Tom Hoppe

48 /s/ Bill Boucher

49 /s/ Ralph Monaco

50 /s/ Carol Jean Mays

51 /s/ Dennis Bonner

53 /s/ Dick Franklin

57 /s/ O. L. Shelton

59 /s/ Ron Auer

60 /s/ Russell Goward

61 /s/ Paula J. Carter

63 /s/ Dorathea Davis

64 /s/ Nancy Farmer

65 /s/ Tom Bauer

66 /s/ Harry Kennedy

67 /s/ Patrick Dougherty

68 /s/ James O'Toole

69 /s/ Dana L. Murray

70 /s/ Russell Gunn

71 /s/ Rita Days

72 /s/ Sheila Lumpe

73 /s/ Tim Green

75 /s/ Mary Hagan-Harrell

76 /s/ Lana Stokan

77 /s/ David Reynolds

78 /s/ Carol Stroker

79 /s/ Patrick O'Connor

80 /s/ John Hickey

81 /s/ Jim Foley

83 /s/ S. Sue Shear

84 /s/ Joan Bray

85 /s/ Chris Liese

96 /s/ Joe Treadway

98 /s/ May Scheve

100 /s/ Joan Barry

101 /s/ Kate Hollingsworth

103 /s/ Steve Stoll

104 /s/ Norman Sheldon

107 /s/ Rocky Johnson

108 /s/ Brian May

110 /s/ Francis Overschmidt

113 /s/ Bill Gratz

121 /s/ Deleta Williams

122 /s/ D. J. Davis

125 /s/ Charlie Fritts

136 /s/ Mike Schilling

138 /s/ Craig Hosmer

142 /s/ Jim Kreider

148 /s/ Bill Ransdall

149 /s/ Jerry McBride

150 /s/ Kelly Parker

152 /s/ Wayne Crump

153 /s/ Don Koller

159 /s/ Marilyn Williams

160 /s/ Joe Heckemeyer

161 /s/ F. E. Copeland

163 /s/ Larry Thomason

Mr. Speaker: Your Committee on Ethics, to which was referred **The request of the House Committee Chairs Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470.4(2)(c)d.**

Please note: The successful motion to approve this caucus was made with a stipulation to include as members only those who have signed the Caucus Request.

DATE: February 19, 1997

TO: Representative Robert Clayton

Chairman, House Committee on Ethics

FROM: Gracia Backer

Majority Floor Leader

RE: House Committee Chairs Caucus

In accordance with Section 105.470(6)4(2) and (c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Missouri House Committee Chairs Caucus:

**Committee Chair**

Accounts /s/ Bill Skaggs

Agri-Business /s/ Marilyn Williams

Agriculture /s/ Sam Leake

App. - Education & Public Safety /s/ Dick Franklin

App. - General Admin. & Transportation /s/ Tim Green

App. - Health & Mental Health /s/ Paula J. Carter

App. - Natural & Economic Resources /s/ Phil Tate

App. - Social Services & Corrections /s/ Scott Lakin

Banks & Financial Institutions /s/ Gene Copeland

Budget /s/ Sheila Lumpe

Children, Youth & Families /s/ Pat Dougherty

Civil Law /s/ Phil Smith

Commerce /s/ Henry Rizzo

Consumer Protection /s/ Steve McLuckie

Correctional & State Institutions /s/ Wayne Crump

Criminal Law /s/ Craig Hosmer

Critical Issues /s/ Tim Harlan

Education - Elementary & Secondary /s/ Steve Stoll

Education - Higher /s/ May Scheve

Elections /s/ Rita Days

Energy & Environment /s/ Gary Wiggins

Ethics /s/ Robert Clayton

Federal/State Relations & Veterans Affairs /s/ Bill Boucher

Governmental Organization & Review /s/ Russell Goward

Insurance /s/ Ron Auer

Judiciary /s/ Brian May

Labor /s/ John Hickey

Local Government & Related Matters /s/ Tom Hoppe

Miscellaneous Bills & Resolutions /s/ Jim Foley

Motor Vehicle & Traffic Regulations /s/ Norman Sheldon

Municipal Corporations /s/ O. L. Shelton

Professional Registration & Licensing /s/ Joe Treadway

Public Health & Safety /s/ Mary Bland

Retirement /s/ Mary Hagan-Harrell

Rules /s/ Gracia Backer

Social Services /s/ Russell Gunn

Speaker /s/ Steve Gaw

State Parks, Natural Resources & Mining /s/ Jerry McBride

Tourism, Recreation & Cultural Affairs /s/ Francis Overschmidt

Transportation /s/ Don Koller

Urban Affairs /s/ Vernon Thompson

Utilities /s/ Carol Jean Mays

Ways & Means /s/ Nancy Farmer

Workers Compensation /s/ Bill Luetkenhaus

Jt. Committee on Administrative Rules /s/ Glenda Kelly

Jt. Committee on Correctional Institutions & Problems /s/ Ted Farnen

Jt. Committee on Economic Development,

Policy & Planning /s/ Chris Liese

Jt. Committee on Public Employee Retirement /s/ Jim O'Toole

Jt. Committee on Wetlands /s/ Deleta Williams

Speaker Pro Tem /s/ Jim Kreider

Jt. Committee on Health Care, Policy & Planning /s/ Sue Shear

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 216** and **HB 253**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 193**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 339**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 339, Page 1, Section 491.205, Line 10, by inserting after the word "**be**" the following: "**criminally**"; and

Further amend said Section, Page 1, Line 11, by deleting said line and inserting in lieu thereof the following: "**prosecuted or subjected to any criminal penalty for or on account**".

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 364, 33, 148, 187, 488** and **503**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 389**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 389, Page 4, Section 301.143, Lines 1 through 39, by deleting all of said lines and inserting in lieu thereof the following:

"301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. **Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142.** Whenever a political subdivision **or owner of private property** so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility [in white on a blue background,] and [may] **shall** also include any appropriate [working] **wording** to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. **The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "$100 Fine.".**

3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public offstreet parking facility **or any other owner of private property** may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility in white on a blue background, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

4. The owner or person in lawful possession of a public offstreet parking facility **or other private property in which a parking space described in this section is reserved**, and any political subdivision owning or operating a public offstreet parking facility, may, after notifying the local police or sheriff's department, cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility in white on a blue background and may include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than [fifty] **one hundred** dollars nor more than [two] **three** hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.

5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall be [twelve] **eight** feet wide or greater [or shall be open on one or both sides so

as not to impede the safe egress and exit of the disabled person] **and each such space shall also have an access aisle which shall be five feet wide or greater**.

**6. The number of spaces for vehicles displaying a disabled license plate provided in a parking area shall be in conformance with the table below.**

**Total number of Required minimum**

**parking spaces in number of spaces**

**the parking area**

**1 to 25 1**

**25 to 50 2**

**51 to 75 3**

**76 to 100 4**

**101 to 150 5**

**151 to 200 6**

**201 to 300 7**

**301 to 400 8**

**401 to 500 9**

**501 to 1000 2 percent of total**

**1001 and over 20 plus 1 for each**

**100 over 1000**

[6.] **7. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of an infraction and shall be subject to a fine of not less than one hundred dollars nor more than two hundred dollars.**

**8.** Law enforcement officials [are empowered to] **may** enter upon private property open to public use to enforce the provisions of this section **and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142**.

**9. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to the effective date of this act shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate.**".

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 212**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 266**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 232**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 232, Page 1, Section 1, Lines 9 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"**woman covered under such policy or contract.**

**To encourage public health and diagnostic health screenings, such services shall be provided with no deductible due and payable, but a patient shall be liable for any copayment not to exceed twenty-five dollars, if such a copayment is required pursuant to the patient's health care coverage.**"; and

Further amend Page 2, Section 2, Lines 9 to 13, by deleting all of said lines and inserting in lieu thereof: "**Non symptomatic man covered under such policy or contract, in accordance with the American Cancer Society guidelines.**"

**To encourage public health and diagnostic health screenings, such services shall be provided with no deductible due and payable, but a patient shall be liable for any copayment not to exceed twenty-five dollars, if such a copayment is required pursuant to the patient's health care coverage.**"; and

Further amend Page 2, Section 3, Lines 12 to 16, by deleting all of said lines and inserting in lieu thereof the following:

**"To encourage public health and diagnostic health screenings, such services shall be provided with no deductible due and payable, but a patient shall be liable for any copayment not to exceed twenty-five dollars, if such a copayment is required pursuant to the patient's health care coverage.**"; and

Further amend Page 2, Section 2, Line 8, by deleting the words "an annual" and inserting the word "**a**" before "**colorectal**".

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 215**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2.**

*House Committee Amendment No. 1*

AMEND House Bill No. 215, Page 1, Section 2, Line 4, by adding at the end of said line the following: "**Such standards shall not be lower than federally established standards.**".

*House Committee Amendment No. 2*

AMEND House Bill No. 215, Section 6, Lines 22 through 25, by deleting all of said lines from the bill.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 206**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 620**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Workers Compensation and Employment Security**, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Workers Compensation and Employment Security, to which was referred **HB 426, HB 576** and **HB 567**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 16**, introduced by Representatives Farnen and Long, et al, relating to initiative petitions.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 707**, introduced by Representative Loudon, relating to imprisonment.

**HB 708**, introduced by Representative Foley, relating to motor vehicles.

**HB 709**, introduced by Representative Foley, relating to publicly owned sewer treatment works.

**HB 710**, introduced by Representative Foley, relating to compensation of certain board members.

**HB 711**, introduced by Representative Hartzler (124), relating to election and appointment of certain municipal officials.

**HB 712**, introduced by Representative Tate, relating to absentee ballots.

**HB 713**, introduced by Representative Davis (63), et al, relating to disposition of a stillborn child.

**HB 714**, introduced by Representative Treadway, relating to real estate agents and brokers disclosure.

**HB 715**, introduced by Representatives Lograsso, Ridgeway and Patek, et al, relating to motor vehicles.

**HB 716**, introduced by Representative Murray, et al, relating to public employees.

**HB 717**, introduced by Representative Reynolds, et al, relating to tax credits for purchase of prescription drugs.

**HB 718**, introduced by Representative Backer, et al, relating to establishment of a child care alert system.

**HB 719**, introduced by Representative Skaggs, relating to certificates of authority to transact insurance.

**HB 720**, introduced by Representative Edwards-Pavia, et al, relating to medical treatment facilities.

**HB 721**, introduced by Representatives Sallee and Kelley (47), relating to motor vehicles.

**HB 722**, introduced by Representative Johnson, relating to the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

**HB 723**, introduced by Representative Dougherty, relating to domestic relations.

**HB 724**, introduced by Representatives Wilson and Holand, et al, relating to blood tests for pregnant women.

**HB 725**, introduced by Representative Hagan-Harrell, relating to the highways and transportation employees' and highway patrol retirement system.

**HB 726**, introduced by Representative Hagan-Harrell, relating to the highways and transportation employees' and highway patrol retirement system.

**HB 727**, introduced by Representative McBride, relating to community service.

**HB 728**, introduced by Representative McBride, relating to motor vehicles.

**HB 729**, introduced by Representatives Relford and Dougherty, et al, relating to the certification of certain vital records.

**HB 730**, introduced by Representative Backer, relating to public records.

**HB 731**, introduced by Representative Gaskill, relating to the adoption of common law.

**HB 732**, introduced by Representative Gaskill, relating to child support.

**HB 733**, introduced by Representatives Hartzler (124), Howerton, Williams (121) and Skaggs, relating to the regulation of nudity in adult cabarets.

**HB 734**, introduced by Representative Bauer, et al, relating to general and primary elections.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 17**.

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, the State Veterans' Homes were founded for Civil War Veterans in the late 1800's and have served veterans for over one hundred years; and

WHEREAS, under the provisions of Title 38, United States Code, the Veterans' Administration is authorized to make aid payments to states maintaining State Veterans' Homes subject to the provisions of the Code of Federal Regulations, 38 CFR 18.1 through 18.3; and

WHEREAS, there are eighty-seven State Veterans' Home Care Facilities in forty-two states throughout the United States with more being added annually; and

WHEREAS, the State Veterans' Home Program has proven to be a cost-effective provider of quality care services to the nation's veterans who require domiciliary, nursing home, and hospital care; and

WHEREAS, the Veterans' Administration promotes the care and treatment of veterans in State Veterans' Homes as a means to attain the goal of developing and maintaining the highest possible quality of patient care for eligible veterans; and

WHEREAS, Title 38, United States Code, authorizes the Grants for Construction of State Veterans' Homes Program. The State Home Construction Grant Program is funded at sixty-five percent of total cost; and

WHEREAS, the Veterans' Administration has not kept pace with State Veterans' Homes applications for new construction projects. Currently, an unfunded balance of over two hundred million dollars exists; and

WHEREAS, Title 38, United States Code, authorized per diem payments paid to veterans residing in the State Homes. The State Home Program is recognized as the lowest cost alternative among all nursing care alternatives used by the Veterans' Administration; and

WHEREAS, given the growing long-term health care needs of older veterans, the State Home Program will continue to be a vital health care provider and lowest cost alternative for veterans needing long-term nursing care:

NOW, THEREFORE, BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that the United States Congress is requested to appropriate the money necessary to fully fund the federal share of State Veterans' Homes construction project requests for the fiscal year 1998. Such funding shall include the two-hundred-bed Veterans' Home to be located in Cameron, Missouri, and the two-hundred-bed Veterans' Home to be located in Warrensburg, Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be sent to the Missouri Congressional Delegation in Washington, D.C., the State of Missouri American Legion, the Missouri Association of Veterans' Organizations and to the Missouri Veterans' Commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 34**, entitled:

An act relating to the conveyance of certain real property by the Department of Natural Resources located in McDonald County.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 131**, entitled:

An act to repeal section 301.041, RSMo 1994, relating to commercial vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 155**, entitled:

An act to repeal section 67.1000, RSMo Supp. 1996, relating to tourism sales taxes, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 164**, entitled:

An act to repeal sections 59.330 and 381.031, RSMo 1994, relating to land title records, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 170**, entitled:

An act to repeal section 347.015, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency Clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 175**, entitled:

An act to repeal section 247.220, RSMo 1994, relating to public water supply districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken

up and passed **SB 179**, entitled:

An act to repeal sections 266.321 and 266.343, RSMo 1994, relating to fertilizer and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 189**, entitled:

An act to repeal section 165.011, RSMo Supp. 1996, relating to guaranteed energy saving performance contracts for schools, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 197**, entitled:

An act to repeal sections 351.093 and 351.323, RSMo 1994, and section 351.180, RSMo Supp. 1996, relating to corporations, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 215**, entitled:

An act to repeal section 595.050, RSMo 1994, relating to the services to victims fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 246**, entitled:

An act to repeal sections 337.606, 337.612, 337.618, 337.621, 337.630 and 337.633, RSMo 1994, and sections 337.603, 337.615 and 337.627, RSMo Supp. 1996, relating to the state committee for social workers, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

**WITHDRAWAL OF HOUSE BILLS**

February 11, 1997

Steve Gaw, Speaker

Missouri House of Representatives

Capitol Room 308

Jefferson City, Missouri 65101

Dear Mr. Speaker:

I respectfully request that you withdraw House Bill 555. Thank you.

Respectfully submitted,

/s/ O. L. Shelton

February 18, 1997

The Honorable Steve Gaw

Missouri House of Representatives

Missouri State Capitol

Jefferson City, MO 65101

Dear Speaker Gaw:

I respectfully request to withdraw House Bill 182 and House Bill 183. I appreciate your consideration on this matter. Thank You.

Respectfully submitted,

/s/ Christopher A. Liese

February 19, 1997

The Honorable Steve Gaw

Speaker

State Capitol

Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that House Bill 239 be withdrawn. Thank you for your consideration in this matter.

Respectfully submitted,

/s/ Beth Long

State Representative

District 146

The following member's presence was noted: Representative Carter.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, February 24, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-Sixth Day, February 19, 1997, pages 350, roll call, by showing Representatives Kreider, Farmer, Kissell and Kennedy voting "aye" rather than "absent with leave".

Pages 354, roll call, by showing Representative Kreider voting "aye" rather than "absent with leave".

Pages 354, roll call, by showing Representative Luetkenhaus voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

ADHOC COMMITTEE ON ADMIN. RULES (H)

Tuesday, February 25, 1997, 8:00 pm. Hearing Rooms 3 and 4. Review of

Supreme Court Cause 78628.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Monday, February 24, 1997, 10:30 am. Hearing Room 7. Possible evening session until finished. Mark-up Dept.of Health.

BUDGET

Monday, February 24, 1997, 2:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 3, HB 4

BUDGET

Tuesday, February 25, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 3, HB 4, HB 5

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 26, 1997, 3:00 pm. Hearing Room 1. Executive session to follow.

To be considered - HB 80, HB 610

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 25, 1997, 8:00 pm. Hearing room 9.

To be considered - HB 631, HB 657, HB 651, HB 477, HB 616, HB 617

CRITICAL ISSUES

Monday, February 24, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 128, HB 473

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 8. Presentation on performance assessments.

To be considered - HB 245, HB 405, HB 593, HB 641

ELECTIONS

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 400, HB 428, HB 526, HB 577

ENVIRONMENT AND ENERGY

Monday, February 24, 1997, 2:00 pm. Hearing Room 8. executive session may follow.

To be considered - HB 288, HB 536

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, February 24, 1997, 8:00 pm. Hearing Room 2. Executive session.

To be considered - HB 664

INSURANCE

Tuesday, February 25, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

AMENDED NOTICE

To be considered - HB 626, HB 563, HB 539, HB 449

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Tuesday, February 25, 1997, 2:00 pm. Hearing Room 8. Review and affirmation of expiring leases for FY98-HB 13

JUDICIARY

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 517, HB 655, HB 588, HB 399, HB 291

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 4. Executive session may follow.

To be considered - HB 262, HB 286, HB 392, HB 544, HB 551, HB 564

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 109, HB 459, HB 645, HB 648

PUBLIC HEALTH AND SAFETY

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 9.

To be considered - HB 130, HB 575, HB 635, HB 643

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 509, HB 508

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, February 24, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 434, HB 614, HB 624

WAYS AND MEANS

Monday, February 24, 1997. Hearing Room 5 upon adjournment.

Executive session to follow. Report from sub-committee on Circuit Breaker HB 146.

WAYS AND MEANS

Tuesday, February 25, 1997, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE

To be considered - HB 290, HB 533, HB 562, HB 460, HB 532, HJR 13, HJR 6,

HB 346, HB 638

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, February 24, 1997, 8:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 636, HB 472

**HOUSE CALENDAR**

TWENTY-EIGHTH DAY, MONDAY, FEBRUARY 24, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 16

**HOUSE BILLS FOR SECOND READING**

HB 707 through HB 734

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 229, HCA 1 - Auer

HB 32 - Bland

HB 34 - Bland

HB 354 - Murray (69)

HCS HB 87 & 264 - Kreider

HB 259 - Liese

HB 342 - Lumpe

HB 390 - Hoppe

HCS HB 356 - Skaggs

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HB 516, as amended - Backer

**HOUSE BILLS FOR THIRD READING**

HB 410, E.C. - Bray

HS HCS HB 454 - Stokan

HCS HB 557 - Leake

HB 381 - Koller

HB 211, E.C. - Williams (159)

HCS HB 141 - Smith

**SENATE BILLS FOR SECOND READING**

SB 34

SB 131

SB 155

SB 164

SB 170

SB 175

SB 179

SCS SB 189

SB 197

SB 215

SB 246

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

HR 215, (2-19-97 pg. 356) - Akin

Return to the Missouri House of Representatives

House Members
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# House Journal

## First Regular Session, 89th General Assembly

TWENTY-EIGHTH DAY, Monday, February 24, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Great are the works of the Lord, studied by all who have pleasure in them." (Ps. 111:2).

This afternoon, gracious God, we pause to honor those artists who lift us above the ordinary with their creations. Life is too often full of drudgery for us and artists allow us to revel in beauty, in wonder, in imagination. We thank you, our God, first of all whose marvelous sunsets and full moon nights, and morning sky and winter snow and spring flowers and the richness of the colors and design of our fur and feathered friends take the humdrum out of life with their striking beauty and diversity.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-seventh day was approved as printed.

**RESOLUTIONS**

Representative Lumpe offered House Resolution No. 284, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fritts offered House Resolution No. 285, which was referred to the Committee on Miscellaneous Bills and Resolutions.

The Missouri Legislative Black Caucus offered House Resolution No. 286, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Harlan offered House Resolution No. 287, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 288, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 289, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Schilling offered House Resolution No. 290, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 291, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 292, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boatright offered House Resolution No. 293, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boatright offered House Resolution No. 294, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Cierpiot offered House Concurrent Resolution No. 18.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 16** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 707** through **HB 734** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 34, SB 131, SB 155, SB 164, SB 170, SB 175, SB 179, SCS SB 189, SB 197, SB 215, and SB 246** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 107, HS HB HCS 454, HCS HB 141, HB 211, HB 381, HB 410, HCS HB 557**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HB 557** - Budget (Fiscal Note)

**THIRD READING OF HOUSE BILLS**

**HB 410**, relating to sale of school property, was taken up by Representative Bray.

Representative Bray offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

Amend House Bill No. 410, Page 2, Section B, Line 1 by inserting immediately following the word "to" the word

"prevent".

On motion of Representative Bray, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Bray, **HB 410, as amended,** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Dolan Donovan Dougherty

Edwards-Pavia Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 001

Elliott

PRESENT: 000

ABSENT WITH LEAVE: 004

Days Ford Goward Hand

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 128

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Clayton Cooper Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Dolan Donovan Dougherty Edwards-Pavia Enz
Evans Farmer Farnen Fitzwater Foley
Franklin Fritts Gaskill Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hickey Holand Hollingsworth Hoppe
Hosmer Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Long
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Pryor
Ransdall Reinhart Relford Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 025

Akin Bennett 15 Berkstresser Boatright Chrismer
Cierpiot Crawford Elliott Foster Froelker
Gaston Gibbons Hall Hendrickson Hohulin
Howerton Linton Lograsso Loudon Pouche
Purgason Richardson Ridgeway Steen Wannenmacher

PRESENT: 001

Patek

ABSENT WITH LEAVE: 007

Days Ford Goward Hand Johnson
Liese Reynolds

VACANCIES: 002

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 454**, relating to residential care facilities, was taken up by Representative Stokan.

On motion of Representative Stokan, **HS HCS HB 454** was read the third time and passed by the following vote:

AYES: 101

Auer Backer Ballard Barry 100 Bartelsmeyer
Bauer Berkstresser Bland Boatright Boucher
Bray 84 Burton Carter Chrismer Clayton
Copeland Crump Daniels 41 Davis 63 Davis 122
Dolan Donovan Dougherty Enz Farmer
Farnen Fritts Froelker Gibbons Graham 24
Graham 106 Green Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Kasten
Kauffman Kelley 47 Kennedy Kissell Kreider

Lakin Lawson Legan Levin Long
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Parker Patek Pryor Ransdall Reinhart
Relford Reynolds Robirds Ross Sallee
Scheve Schilling Schwab Scott Seigfreid
Sheldon 104 Shelton 57 Skaggs Stokan Stoll
Stroker Thompson 37 Townley Troupe Van Zandt
Vogel Wannenmacher Williams 159 Wilson Wooten
Mr. Speaker

NOES: 053

Akin Alter Barnett 4 Bennett 15 Bonner
Broach Campbell Champion Cierpiot Cooper
Crawford Daniel 42 Edwards-Pavia Elliott Evans
Fitzwater Foley Foster Franklin Gaskill
Gaston Gratz Griesheimer Gross Heckemeyer
Hegeman Hohulin Howerton Johnson Kelly 27
Koller Leake Liese Linton Lograsso
Loudon Marble Miller Overschmidt Pouche
Purgason Richardson Ridgeway Rizzo Secrest
Smith Steen Summers Surface Tate
Thomason 163 Treadway Wiggins

PRESENT: 001

Shields

ABSENT WITH LEAVE: 006

Days Ford Goward Hand Shear
Williams 121

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Crump moved that motion lay on the table.

The latter motion prevailed.

**HB 381**, relating to local log truck, was taken up by Representative Koller.

On motion of Representative Koller, **HB 381** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 001

PRESENT: 000

ABSENT WITH LEAVE: 007

Days Ford Goward Hand Liese
Skaggs Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farmer, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HB 211**, relating to commercial feed; grain dealers, was taken up by Representative Williams (159).

On motion of Representative Williams (159), **HB 211** was read the third time and passed by the following vote:

AYES: 130

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Dolan Donovan
Dougherty Elliott Enz Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Gaskill Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Harlan Hartzler 123 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Linton
Long Luetkenhaus Lumpe May 108 Mays 50

McClelland McLuckie Miller Monaco Murphy
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Pryor Ransdall
Reynolds Richardson Rizzo Robirds Ross
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stroker
Summers Surface Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 023

Akin Berkstresser Chrismer Cierpiot Edwards-Pavia
Evans Froelker Gaston Hall Hartzler 124
Hohulin Howerton Lograsso Loudon Marble
Nordwald Patek Purgason Reinhart Relford
Ridgeway Sallee Tate

PRESENT: 000

ABSENT WITH LEAVE: 008

Days Ford Goward Hand Liese
McBride Stoll Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Bray 84 Burton
Campbell Carter Clayton Cooper Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Dolan Donovan Dougherty Elliott Enz
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Graham 24
Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hickey Holand Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Ransdall Relford Reynolds Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 024

Akin Bennett 15 Broach Champion Chrismer

Cierpiot Crawford Edwards-Pavia Evans Gaston

Gibbons Hall Hendrickson Hohulin Howerton

Linton Lograsso Loudon Nordwald Pryor

Purgason Reinhart Richardson Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 007

Days Ford Goward Hand Harlan

Liese Thompson 37

VACANCIES: 002

On motion of Representative Koller, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 141**, relating to convenience store safety, was taken up by Representative Smith.

On motion of Representative Smith, **HCS HB 141** was read the third time and passed by the following vote:

AYES: 108

Akin Alter Auer Backer Barry 100
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crump
Daniels 41 Davis 63 Davis 122 Dolan Donovan
Dougherty Edwards-Pavia Enz Evans Farmer
Farnen Fitzwater Franklin Fritts Froelker
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Hagan-Harrell Harlan Hartzler 124 Heckemeyer
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Levin Linton
Long Lumpe May 108 Mays 50 McBride
McClelland McLuckie Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Ransdall Relford Reynolds
Ridgeway Rizzo Scheve Schilling Seigfreid
Shear Sheldon 104 Shelton 57 Skaggs Smith
Stokan Stoll Stroker Townley Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 047

Ballard Barnett 4 Bartelsmeyer Berkstresser Boatright
Broach Burton Crawford Daniel 42 Elliott
Foley Foster Gaskill Gaston Gross
Gunn Hall Hartzler 123 Hegeman Hohulin
Howerton Legan Lograsso Loudon Luetkenhaus
Marble Miller Patek Pouche Pryor
Purgason Reinhart Richardson Robirds Ross
Sallee Schwab Scott Secrest Shields
Steen Summers Surface Tate Thomason 163
Treadway Troupe

PRESENT: 000

ABSENT WITH LEAVE: 006

Days Ford Goward Hand Liese
Thompson 37

VACANCIES: 002

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Murray, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 16** - Elections

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 673** - Utilities Regulation
**HB 674** - Retirement
**HB 675** - Ways and Means
**HB 676** - Tourism, Recreation and Cultural Affairs
**HB 677** - Transportation
**HB 678** - Elections
**HB 679** - Motor Vehicle and Traffic Regulations
**HB 680** - Motor Vehicle and Traffic Regulations
**HB 681** - Elections
**HB 682** - Utilities Regulation
**HB 683** - Correctional and State Institutions
**HB 684** - Environment and Energy
**HB 685** - Governmental Organization and Review
**HB 686** - Education - Higher
**HB 687** - Education - Elementary and Secondary
**HB 688** - Environment and Energy
**HB 689** - Local Government and Related Matters

**HB 690** - Children, Youth and Families

**HB 691** - Elections

**HB 692** - Transportation

**HB 693** - Professional Registration and Licensing

**HB 694** - Judiciary

**HB 696** - Elections

**HB 697** - Criminal Law

**HB 698** - Commerce

**HB 699** - Agri-Business

**HB 700** - Agri-Business

**HB 701** - Social Services, Medicaid and the Elderly

**HB 702** - Consumer Protection

**HB 703** - Workers Compensation and Employment Security

**HB 704** - Education - Higher

**HB 705** - Social Services, Medicaid and the Elderly

**HB 707** - Criminal Law

**HB 708** - Motor Vehicle and Traffic Regulations

**HB 709** - Utilities Regulation

**HB 710** - Local Government and Related Matters

**HB 711** - Local Government and Related Matters

**HB 712** - Elections

**HB 713** - Consumer Protection

**HB 714** - Professional Registration and Licensing

**HB 715** - Motor Vehicle and Traffic Regulations

**HB 716** - Labor

**HB 717** - Ways and Means

**HB 718** - Children, Youth and Families

**HB 719** - Insurance

**HB 720** - Critical Issues

**HB 721** - Criminal Law

**HB 722** - Correctional and State Institutions

**HB 723** - Children, Youth and Families

**HB 724** - Public Health and Safety

**HB 725** - Retirement

**HB 726** - Retirement

**HB 727** - Workers Compensation and Employment Security

**HB 728** - Motor Vehicle and Traffic Regulations

**HB 729** - Public Health and Safety

**HB 730** - Governmental Organization and Review

**HB 731** - Judiciary

**HB 732** - Children, Youth and Families

**HB 733** - Local Government and Related Matters

**HB 734** - Elections

**RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 642** - Critical Issues

**COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 411**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HB 114**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 17**, introduced by Representative Patek, relating to removal of officers not subject to impeachment.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 735**, introduced by Representative Patek, relating to public officers and employees.

**HB 736**, introduced by Representative Patek, relating to the department of conservation.

**HB 737**, introduced by Representative Patek, relating to motor vehicles.

**HB 738**, introduced by Representatives Hosmer, Smith, Williams (121) and Sallee, relating to motor vehicles.

**HB 739**, introduced by Representative Summers, relating to controlled substance crimes.

**HB 740**, introduced by Representative Elliott, relating to assault.

**HB 741**, introduced by Representative Boucher, relating to combative fighting.

**HB 742**, introduced by Representative Shelton (57), relating to the use or sale of radar detectors.

**HB 743**, introduced by Representative Patek, relating to the death penalty.

**HB 744**, introduced by Representative Patek, relating to civil actions for recovery of damages from childhood sexual abuse.

**HB 745**, introduced by Representative Patek, relating to motor vehicles.

**HB 746**, introduced by Representatives McLuckie and Kauffman, relating to community improvement districts.

**HB 747**, introduced by Representative Bland, et al, relating to public health and welfare.

**HB 748**, introduced by Representative Lakin, et al, relating to the federal Health Insurance Portability and Accountability Act of 1996.

**WITHDRAWAL OF HOUSE BILL**

24 February 1997

The Honorable Steve Gaw

Speaker

State Capitol, Room 308

Jefferson City, Missouri 65101

Dear Mr. Speaker:

I respectfully request that House Bill 706 be withdrawn. Thank you for your consideration in this matter.

Respectfully submitted,

/s/ Carol Stroker

State Representative

78th District

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, February 25, 1997.

**COMMITTEE MEETINGS**

ADHOC COMMITTEE ON ADMIN. RULES (H)

Tuesday, February 25, 1997, 8:00 pm. Hearing Rooms 3 and 4.

Review of Supreme Court Cause 78628.

APPROPRIATIONS - HEALTH AND MENTAL HEALTH

Tuesday, February 25, 1997. Hearing Room 7 upon morning adjournment.

Mark-up Dept. of Health.

BUDGET

Tuesday, February 25, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 3, HB 4, HB 5

BUDGET

Tuesday, February 25, 1997. Hearing Room 9 upon morning adjournment.

Possible executive session.

To be considered - HB 3, HB 4, HB 5, HB 6

BUDGET

Wednesday, February 26, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 5, HB 6, HB 7

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 26, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 629, HB 650, HB 723

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 26, 1997, 3:00 pm. Hearing Room 1.

Executive session to follow. AMENDED NOTICE

To be considered - HB 80, HB 610, HB 60, HB 192

CONSUMER PROTECTION

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 1.

To be considered - HB 654, HB 702

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, February 25, 1997, 8:00 pm. Hearing room 9. Executive session may follow.

To be considered - HB 631, HB 657, HB 651, HB 477, HB 616, HB 617

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 8. Presentation on performance assessments.

To be considered - HB 245, HB 405, HB 593, HB 641

EDUCATION - HIGHER

Wednesday, February 26, 1997, 3:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 35, HB 46, HB 618, HB 663

ELECTIONS

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 400, HB 428, HB 526, HB 577

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 26, 1997, 8:00 am. Hearing room 8. Executive session may follow.

To be considered - HB 652, HB 660

INSURANCE

Tuesday, February 25, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

AMENDED NOTICE

To be considered - HB 626, HB 563, HB 539, HB 449

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Tuesday, February 25, 1997, 2:00 pm. Hearing Room 8. Review and affirmation of expiring leases for FY98-HB 13

JUDICIARY

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 5.

To be considered - HB 517, HB 655, HB 588, HB 399, HB 291

LABOR

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 8.

To be considered - Executive Session - HB 43, Executive Session - HB 282

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 4. Executive session may follow.

To be considered - HB 262, HB 286, HB 392, HB 544, HB 551, HB 564

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 26, 1997, 9:45 am. Side gallery. Executive session only.

CORRECTED NOTICE

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 109, HB 459, HB 645, HB 648

PUBLIC HEALTH AND SAFETY

Tuesday, February 25, 1997, 3:00 pm. Hearing Room 9.

To be considered - HB 130, HB 575, HB 635, HB 643

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, February 25, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 509, HB 508

WAYS AND MEANS

Tuesday, February 25, 1997, 3:00 pm. Hearing Rooms 1 and 2. AMENDED NOTICE

To be considered - HB 290, HB 533, HB 562, HB 460, HB 532, HJR 13, HJR 6, HB 346, HB 638

**HOUSE CALENDAR**

TWENTY-NINTH DAY, TUESDAY, FEBRUARY 25, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 17

**HOUSE BILLS FOR SECOND READING**

HB 735 through HB 748

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 1 - Hosmer

**HOUSE BILLS FOR PERFECTION**

HB 229, HCA 1 - Auer

HB 32 - Bland

HB 34 - Bland

HB 354 - Murray (69)

HCS HB 87 & 264 - Kreider

HB 259 - Liese

HB 342 - Lumpe

HB 390 - Hoppe

HCS HB 356 - Skaggs

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HB 516, as amended - Backer

**HOUSE BILLS FOR THIRD READING**

HCS HB 557, (Budget 2-24-97) - Leake

HB 107 - Boucher

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

HR 215, (2-19-97 pg. 356) - Akin

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

TWENTY-NINTH DAY, Tuesday, February 25, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Wisdom is better than might." Eccl. (9:16)

These past few days we have received the news about the cloning of a sheep in Scotland. The news has ethical implications. Gracious God, we are faced every year in this Assembly with ethical issues, which are intertwined with our political system and our principle of non-establishment of religion, so-called Church State separation. So often that principle is abused by those who would rule out ethical considerations from most of our laws, and by those who seek to impose a narrow reading of parts of the Bible on the whole society. Help us Lord, as we seek to legislate issues with core moral implications, many of them facing us as they have never faced us before with new technology and with our society's pluralism. As we and Congress deal with welfare reform, assisted suicide, health care insurance, life in the womb, the life of those condemned for crimes, guide us with your wisdom. Meantime, cloning sheep might be okay, but for us humans it is a bah-aa-ad idea. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Amanda Lucious, Matt Craig, Joe Milisitch, Angela Kelley, Christi Smith, Christopher Johnson, Christine Miller, Scott Meyer, Marla Brueggen, Kevin Caravelli, Gloria Dirnbeck, Erin Edgar, Monica Falk, Sarah Hanses, Sam Hotop, Doug Kappauff, Erin Melchior, Jane Nguyen, Kathleen Prosser, Jeff Rupp, Joel Jones, Caroline Miller, Danyelle Potter, Richard Greenough, Casey Price, Tracey Fitzgerald, Amanda Hayes and Cindy Griffin.

The Journal of the twenty-eighth day was approved as corrected.

**RESOLUTIONS**

Representative Luetkenhaus, et al, offered House Resolution No. 295, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Riback Wilson offered House Resolution No. 296, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Champion offered House Resolution No. 297, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Naeger offered House Resolution No. 298, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Hartzler (123) and Howerton offered House Resolution No. 299, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (123) offered House Resolution No. 300, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Hendrickson and Enz offered House Resolution No. 301, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 302, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 303, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 304, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 305, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 306, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 307, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Champion offered House Resolution No. 308, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 17** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 735** through **HB 748** were read the second time.

**HOUSE RESOLUTION**

**HR 215**, relating to use of chamber, was taken up by Representative Akin.

On motion of Representative Akin, **HR 215** was adopted.

**PERFECTION OF HOUSE BILL - INFORMAL**

**HB 516, as amended**, relating to motor vehicle franchise practices, was again taken up by Representative Backer.

Representative Lograsso, having voted on the prevailing side, moved that the vote by which **House Amendment No. 1 to HB 516** was adopted be reconsidered.

Which motion was adopted by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 006

Green Griesheimer Hegeman Hohulin Murphy

Wooten

PRESENT: 000

ABSENT WITH LEAVE: 003

Hand Nordwald Thompson 37

VACANCIES: 002

House Amendment No. 1 was withdrawn.

Representative Thomason (163) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 516, Page 1, In the Title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 13, Section 621.053, Line 4, by inserting after all of said line the following:

"Section B. Five new sections are enacted, to be known as sections 1, 2, 3, 4 and 5, to read as follows:

**Section 1. As used in sections 1 to 5 of this act, unless the context otherwise requires, the following terms mean:**

**(1) "Coerce", to force a person to act in a given manner or to compel by pressure or threat but shall not be construed to include the following:**

**(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion;**

**(b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement;**

**(c) Any other conduct set forth in section 5 of this act as a defense to an action brought pursuant to sections 1 to 5 of this act; or**

**(d) Any other conduct set forth in sections 1 to 5 of this act that is permitted of the franchisor or is expressly excluded from coercion or a violation of sections 1 to 5 of this act;**

**(2) "Franchise", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motorcycles, parts and accessories for sale at wholesale or retail;**

**(3) "Franchisee", a person to whom a franchise is granted;**

**(4) "Franchisor", a person who grants a franchise to another person;**

**(5) "Motorcycle", a motor vehicle operated on two wheels;**

**(6) "New", when referring to motorcycles or parts, means those motorcycles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109, RSMo;**

**(7) "Person", a sole proprietor, partnership, corporation, or any other form of business organization.**

**Section 2. The performance, whether by act or omission, by a motorcycle franchisor of any or all of the following activities enumerated in this section are hereby defined as unlawful practices, the remedies for which are set forth in section 3 of this act:**

**(1) To engage in any conduct which is capricious, in bad faith, or unconscionable and which causes damage to a motorcycle franchisee or to the public; provided, that good faith conduct engaged in by motorcycle franchisors as sellers of new motorcycles or parts or as holders of security interest therein, in pursuit of rights or remedies accorded to sellers of goods or to holders of security interests pursuant to the provisions of chapter 400, RSMo, uniform commercial code, shall not constitute unfair practices pursuant to sections 1 to 5 of this act;**

**(2) To coerce any motorcycle franchisee to accept delivery of any new motorcycle or motorcycles, equipment, parts or accessories therefor, or any other commodity or commodities which such motorcycle franchisee has not ordered after such motorcycle franchisee has rejected such commodity or commodities. It shall not be deemed a violation of this section for a motorcycle franchisor to require a motorcycle franchisee to have an inventory of parts, tools, and equipment reasonably necessary to service the motorcycles sold by a motorcycle franchisor; or new motorcycles reasonably necessary to meet the demands of dealers or the public or to display to the public the full line of a motorcycle franchisor's product line;**

**(3) To unreasonably refuse to deliver in reasonable quantities and within a reasonable time after receipt of orders for new motorcycles, such motorcycles as are so ordered and as are covered by such franchise and as are specifically publicly advertised by such motorcycle franchisor to be available for immediate delivery; provided, however, the failure to deliver any motorcycle shall not be considered a violation of sections 1 to 5 of this act if such failure be due to an act of God, work stoppage, or delay due to a strike or labor difficulty, shortage of products or materials, freight delays, embargo or other cause of which such motorcycle franchisor shall have no control;**

**(4) To coerce any motorcycle franchisee to enter into any agreement with such motorcycle franchisor or to do any other act prejudicial to such motorcycle franchisee, by threatening to cancel any franchise or any contractual agreement existing between such motorcycle franchisor and motorcycle franchisee; provided, however, that notice in good faith to any motorcycle franchisee of such motorcycle franchisee's violation of any provisions of such franchise or contractual agreement shall not constitute a violation of sections 1 to 5 of this act;**

**(5) To terminate or cancel the franchise or selling agreement of any motorcycle franchisee except a termination or cancellation made by reason of a substantial default by such franchisee in the performance of such motorcycle franchisee's reasonable and lawful obligations to such motorcycle franchisor under the franchise. The nonrenewal of a motorcycle franchise or selling agreement shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement unless it is not renewed by reason of:**

**(a) A substantial default by such motorcycle franchisee in the performance of such motorcycle franchisee's reasonable and lawful obligations to such motorcycle franchisor under the nonrenewed franchise or selling agreement; or**

**(b) The discontinuance of the sale in the state of Missouri of such motorcycle franchisor's products which are the subject of the franchise;**

**(6) To prevent by contract or otherwise, any motorcycle franchisee from changing the capital structure of the franchisee's franchise of such motorcycle franchisee or the means by or through which the franchisee finances the operation of the franchisee's franchise, provided the motorcycle franchisee at all times meets any reasonable capital standards agreed to between the motorcycle franchisee and the motorcycle franchisor and grants to the motorcycle franchisor a purchase money security interest in the new motorcycles, new parts and accessories purchased from the motorcycle franchisor;**

**(7) To prevent by contract or otherwise any motorcycle franchisee or any officer, partner or stockholder of any motorcycle franchisee from selling or transferring any part of the interest of any of them to any other person or persons or party or parties; provided, if the franchise specifically permits the franchisor to approve or disapprove of any such proposed sale or transfer, a franchisor shall only be allowed to disapprove of a proposed sale or transfer if the interest being sold or transferred when added to any other interest owned by the transferee constitutes fifty percent or more of the ownership interest in the franchise and if the proposed transferee fails to satisfy any standards of the franchisor which are in fact normally relied upon by the franchisor prior to its entering into a franchise, and which relate to the proposed management or ownership of the franchise operations or to the qualification, capitalization, integrity, or character of the proposed transferee and which are reasonable. In order to exercise a franchisor's right of disapproval as set forth herein the franchisor shall:**

**(a) Notify, in writing, the franchisee of the franchisor's disapproval within thirty working days of the franchisor's receipt of a written proposal to consummate such sale or transfer; provided, however, that the franchisee and the prospective franchisee shall cooperate fully with the franchisor in providing information relating to the prospective transferee's capitalization, integrity and character;**

**(b) Specify in such written notice the reasonable standards which the franchisor contends are not satisfied and the reasons the franchisor contends such standards are not satisfied. Failure on the part of the franchisor to fully comply with either paragraph (a) of this subdivision or this paragraph shall be conclusively deemed an approval by the franchisor of the proposed sale or transfer to the proposed transferee;**

**(8) To prevent by contract or otherwise any motorcycle franchisee from changing the executive management of the motorcycle franchisee's business, except that any attempt by a motorcycle franchisor to demonstrate by giving reasons that such change in executive management will be detrimental to the distribution of the motorcycle franchisor's motorcycles shall not constitute a violation of this subdivision;**

**(9) To impose unreasonable standards of performance upon a motorcycle franchisee;**

**(10) To require a motorcycle franchisee at the time of entering into a franchise arrangement to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by sections 1 to 5 of this act;**

**(11) To prohibit directly or indirectly the right of free association among motorcycle franchisees for any lawful purpose;**

**(12) To provide any term or condition in any lease or other agreement ancillary or collateral to a franchise, which term or condition directly or indirectly violates the provisions of sections 1 to 5 of this act.**

**Section 3. Any motorcycle franchisee may bring an action against a motorcycle franchisor with whom the franchisee has a franchise, for an act or omission which constitutes an unlawful practice as defined in section 2 of this act to recover damages sustained by reason thereof, and, where appropriate, such motorcycle franchisee shall be entitled to injunctive relief, but the remedies set forth in this section shall not be deemed exclusive and shall be in addition to any other remedies permitted by law.**

**Section 4. Any person who is engaged or engages directly or indirectly in purposeful contacts within the state of Missouri in connection with the offering, advertising, purchasing, selling, or contracting to purchase or to sell new motorcycles, or who, being a motorcycle franchisor, is transacting or transacts any business with a motorcycle franchisee who maintains a place of business within the state and with whom the franchisee has a franchise, shall be subject to the jurisdiction of the courts of the state of Missouri, upon service of process in accordance with the provisions of section 506.510, RSMo, irrespective of whether such person is a manufacturer, importer, distributor or dealer in new motorcycles.**

**Section 5. It shall be a defense for a motorcycle franchisor, to any action brought pursuant to sections 1 to 5 of this act by a motorcycle franchisee, if it is shown that such motorcycle franchisee has failed to substantially comply with reasonable and lawful requirements imposed by the franchise and other agreements ancillary or collateral thereto, or if the motorcycle franchisee, or any of its officers, have been convicted of a felony relevant to business honesty or business practices, or if the motorcycle franchisee has ceased conducting its business or has abandoned the franchise, or is insolvent as that term is defined in subdivision (23) of section 400.1-201, RSMo, or has filed a voluntary petition in bankruptcy, or has made an assignment for benefit of creditors, or has been the subject of an involuntary proceeding under the federal bankruptcy act or under any state insolvency law which is not vacated within twenty days from the institution thereof, or there has been an appointment of a receiver or other officer having similar powers for the motorcycle franchisee or the motorcycle franchisee's business who is not removed within twenty days from the person's appointment, or there has been a levy under attachment, execution or similar process which is not within ten days vacated or removed by payment or bonding, and it shall be a defense to any action brought pursuant to sections 1 to 5 of this act that the complained of conduct by a motorcycle franchisor was undertaken in good faith in pursuit of rights or remedies accorded to a motorcycle franchisor as a seller of goods or a holder of a security interest pursuant to the provisions of chapter 400, RSMo.**".

On motion of Representative Thomason (163), House Amendment No. 1 was adopted.

On motion of Representative Backer, **HB 516, as amended,** was ordered perfected and printed.

**PERFECTION OF HOUSE BILLS**

**HB 229, with House Committee Amendment No. 1**, relating to transportation sales tax, was taken up by Representative Auer.

Representative Auer moved that House Committee Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 075

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner

Broach Burton Champion Chrismer Cierpiot

Crawford Dolan Edwards-Pavia Elliott Enz

Evans Foster Froelker Gaskill Gaston

Gibbons Graham 106 Griesheimer Gross Hall

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kelley 47 Lawson Leake

Legan Levin Linton Lograsso Long

Loudon Luetkenhaus Marble Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Robirds Ross Sallee Scheve Schwab

Scott Secrest Shields Steen Summers

Surface Townley Treadway Vogel Wannenmacher

NOES: 079

Auer Backer Bauer Bland Boucher

Campbell Clayton Cooper Copeland Crump

Daniels 41 Davis 63 Davis 122 Days Donovan

Dougherty Farmer Farnen Fitzwater Foley

Franklin Fritts Goward Graham 24 Gratz

Green Gunn Hagan-Harrell Harlan Hartzler 123

Heckemeyer Hickey Hollingsworth Hoppe Hosmer

Johnson Kauffman Kelly 27 Kennedy Koller

Kreider Lakin Liese Lumpe May 108

Mays 50 McBride McClelland McLuckie Murray

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Rizzo Schilling Seigfreid

Shear Sheldon 104 Shelton 57 Skaggs Smith

Stokan Stoll Stroker Tate Thomason 163

Thompson 37 Troupe Van Zandt Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 001

Carter

ABSENT WITH LEAVE: 006

Bray 84 Daniel 42 Ford Hand Kissell

Monaco

VACANCIES: 002

Representative Evans offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 229, Page 2, Section 94.645, Line 23 et al, by deleting the opening the bracket on line 23, deleting the closing bracket on line 50, page 3, and renumbering accordingly.

Representative Evans moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 067

Alter Ballard Barnett 4 Bartelsmeyer Bennett 15

Berkstresser Boatright Broach Burton Champion

Chrismer Cierpiot Crawford Dolan Edwards-Pavia

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Gross

Hall Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten Kauffman Kelley 47

Legan Levin Linton Lograsso Long

Loudon Marble Miller Murphy Naeger

Nordwald Ostmann Patek Pryor Purgason

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Shields

Steen Summers Surface Townley Troupe

Vogel Wannenmacher

NOES: 080

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Campbell Clayton Cooper
Daniel 42 Davis 63 Davis 122 Days Donovan
Dougherty Elliott Farmer Farnen Fitzwater
Foley Franklin Fritts Graham 24 Gratz
Green Gunn Hagan-Harrell Harlan Heckemeyer
Hickey Hollingsworth Hoppe Johnson Kelly 27
Kennedy Koller Kreider Lakin Lawson
Leake Liese Luetkenhaus Lumpe May 108
Mays 50 McBride McClelland McLuckie Murray
O'Toole Overschmidt Parker Pouche Ransdall
Relford Reynolds Rizzo Scheve Schilling
Seigfreid Shear Sheldon 104 Shelton 57 Skaggs
Smith Stokan Stoll Stroker Tate
Thomason 163 Thompson 37 Treadway Van Zandt Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 001

Carter

ABSENT WITH LEAVE: 013

Akin Bray 84 Copeland Crump Daniels 41
Ford Goward Hand Hartzler 123 Hosmer
Kissell Monaco O'Connor

VACANCIES: 002

Representative Levin offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 229, Page 3, Section 94.655, Line 2, by deleting 1999 and inserting 1998.

Representative Levin moved that House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative Auer, **HB 229** was ordered perfected and printed.

**HB 32**, relating to essential community providers, was taken up by Representative Bland.

**HB 32** was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 18**, entitled:

An act to repeal section 306.100, RSMo 1994, and sections 306.010 and 306.016, RSMo Supp. 1996, relating to watercraft regulations, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 19**, entitled:

An act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 128**, entitled:

An act to repeal sections 408.100, 408.200, 408.232 and 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1996, relating to financial transactions, and to enact five new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 163**, entitled:

An act to repeal section 474.490, RSMo 1994, and section 456.520, RSMo Supp. 1996, relating to decedents' estates, and to enact in lieu thereof thirteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 299**, entitled:

An act to repeal sections 21.145 and 476.380, RSMo 1994, relating to reimbursement for expenses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency Clause adopted.

In which the concurrence of the House is respectfully requested.

**COMMITTEE REPORTS**

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 396**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Ways and Means**, Chairman Farmer reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 146**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 155, HB 81** and **HB 171**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 513**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 301**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2.**

*House Committee Amendment No. 1*

AMEND House Bill No. 301, Page 2, Section 143.183, Line 43 by deleting the number "**182.440**" and inserting in lieu thereof the number "**182.812**"; and

Further amend said bill, Page 3, Section 143.183, Line 53 by deleting the number "**182.440**" and inserting in lieu thereof the number "**182.812**"; and

Further amend said bill, Page 3, Section 143.183, Line 74 by deleting the word "**historical**" and inserting in lieu thereof the word "**historic**"; and

Further amend said bill, Page 3, Section 143.183, Line 77 by deleting the word "**historical**" and inserting in lieu thereof the word "**historic**".

*House Committee Amendment No. 2*

AMEND House Bill No. 301, Page 3, Section 143.183, Lines 55 through 66 by deleting said lines and inserting in lieu thereof the following:

"**(5) Ten percent shall be allocated to the commissioner of administration for grants to public television stations pursuant to section 37.210, RSMo. Provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which are qualified by the corporation for public broadcasting. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants. State funds received by a public radio station under this section and not expended shall be returned to the state of Missouri.**"

**INTRODUCTION OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 17**, introduced by Representative Lumpe, to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification and renovation of facility components, equipment or systems, and to transfer money among certain funds.

**HB 18**, introduced by Representative Lumpe, to appropriate money for planning, expenses, and for capital

improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

**HB 19**, introduced by Representative Lumpe, to authorize the commencement of certain projects to be funded from the Third State Building Fund and the Third State Building Trust Fund.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 749**, introduced by Representative Stroker, et al, relating to municipal ordinances.

**HB 750**, introduced by Representatives Scott, Hartzler (124) and Marble, relating to sales taxation.

**HB 751**, introduced by Representative Bonner, relating to motor vehicles.

**HB 752**, introduced by Representatives Kreider and Smith, relating to the department of labor and industrial relations.

**HB 753**, introduced by Representatives Broach, Kreider and Howerton, et al, relating to violent crimes against women and children.

**HB 754**, introduced by Representatives Secrest, Richardson, Pryor, Gaskill and Crawford, et al, relating to workers' compensation.

**HB 755**, introduced by Representative Levin, relating to scenic byways.

**HB 756**, introduced by Representative Luetkenhaus, relating to security guards.

**HB 757**, introduced by Representative Fritts, relating to regulation of businesses.

**HB 758**, introduced by Representative Akin, relating to judicial and legal officers.

**HB 759**, introduced by Representative Akin, relating to the state department of elementary and secondary education.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, February 26, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-Eighth Day, February 24, 1997, pages 409 and 410, roll call, by showing Representatives Johnson and Reynolds voting "aye" rather than "absent with leave".

Pages 414 and 415, roll call, by showing Representative Gross voting "aye" rather than "no".

**COMMITTEE MEETINGS**

AGRICULTURE

Wednesday, February 26, 1997, 3:00 pm. Hearing Rooms 3 and 4.

Possible executive session on HB 50.

To be considered - HB 200, HB 668

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, February 26, 1997, 3:00 pm. Hearing Room 9. Executive session.

To be considered - HB 387

BUDGET

Wednesday, February 26, 1997, 8:30 am. Hearing Room 9. Possible executive session.

AMENDED NOTICE

To be considered - HB 6, HB 7, HB 557

BUDGET

Wednesday, February 26, 1997. Hearing Room 9 upon adjournment. Possible executive session.

To be considered - HB 6, HB 7, HB 8

BUDGET

Thursday, February 27, 1997, 8:30 am. Hearing Room 9. Possible executive session.

AMENDED NOTICE

To be considered - HB 7, HB 8, HB 9, HJR 14

CHILDREN, YOUTH, AND FAMILIES

Wednesday, February 26, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 629, HB 650, HB 723

CIVIL AND ADMINISTRATIVE LAW

Wednesday, February 26, 1997, 3:00 pm. Hearing Room 1. Executive session to follow.

AMENDED NOTICE

To be considered - HB 80, HB 610, HB 60, HB 192

CONSUMER PROTECTION

Wednesday, February 26, 1997. Side gallery upon adjournment.

To be considered - Executive Session - HB 702, Executive Session - HB 654

CRIMINAL LAW

Wednesday, February 26, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

AMENDED NOTICE

To be considered - HB 649, HB 554, HB 234, HB 158, HB 608, HB 499, HB 487

CRITICAL ISSUES

Thursday, February 27, 1997, 8:00 am. Hearing Room 1.

To be considered - Executive Session - HB 600, Executive Session - HB 335

EDUCATION - HIGHER

Wednesday, February 26, 1997, 3:00 pm. Hearing Room 8. Executive session may follow.

AMENDED NOTICE

To be considered - HB 618, HB 663

ENVIRONMENT AND ENERGY

Thursday, February 27, 1997, 9:30 am. Side gallery.

To be considered - Executive Session - HB 536, Executive Session - HB 288

ENVIRONMENT AND ENERGY

Monday, March 3, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 350, HB 453

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, February 26, 1997, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - HB 652, HB 660

INSURANCE

Thursday, February 27, 1997, 9:00 am. Hearing Room 8. Executive session to follow.

Consideration for any bills previously heard.

To be considered - HB 449

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Wednesday, February 26, 1997, 8:00 a.m., Hearing Room 2.

Continuation of review and affirmation of expiring leases for FY98 - HB 13

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, February 26, 1997, 9:45 am. Side gallery. Executive session only.

CORRECTED NOTICE

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, February 26, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 541, HB 597, HB 355, HB 445, HB 693,

Executive Session - HB 213, Executive Session - HB 309

RETIREMENT

Wednesday, February 26, 1997, 8:15 pm. Hearing Room 2.

To be considered - HB 674, HB 725, HB 726

UTILITIES REGULATION

Thursday, February 27, 1997, 8:00 am. Hearing Room 5. Executive session may follow.

To be considered - HB 443, HB 673, HB 186

**HOUSE CALENDAR**

THIRTIETH DAY, WEDNESDAY, FEBRUARY 26, 1997

**HOUSE BILLS FOR SECOND READING**

HB 749 through HB 759

**HOUSE BILLS FOR SECOND READING - APPROPRIATIONS**

HB 17 - through HB 19

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 1 - Hosmer

HJR 2 - Kreider

HCS HJR 9 - Lumpe

HJR 11 - Leake

**HOUSE BILLS FOR PERFECTION**

HB 32 - Bland

HB 34 - Bland

HB 354 - Murray (69)

HCS HB 87 & 264 - Kreider

HB 259 - Liese

HB 342 - Lumpe

HB 390 - Hoppe

HCS HB 356 - Skaggs

HCS HB 114 - Thompson (37)

HCS HB 538 - Scheve

HCS HB 450 - Green

HCS HB 155, 81 & 171 - Farmer

HB 630 - Boucher

HCS HB 620 - Mays (50)

HCS HB 361 - May (108)

HCS HB 495 - Backer

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

**HOUSE BILLS FOR THIRD READING**

HCS HB 557, (Budget 2-24-97) - Leake

HB 107 - Boucher

**SENATE BILLS FOR SECOND READING**

SB 18

SB 19

SB 128

SB 163

SB 299

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

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# House Journal

## First Regular Session, 89th General Assembly

THIRTIETH DAY, Wednesday, February 26, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"I am content and at peace." (Psalm 131:2).

We hear so much disturbing news about people who do violence against persons or property, oftentimes because they have some emotional or mental illness. Sometimes mental illness is the reason for such acts, but the person or persons use the excuse of a political or moral agenda in their distorted thinking which causes confusion and gives a bad name to many non-violent and peaceful people. There is so much we have yet to understand about the human brain and the connection between physical and moral evil.

God of Life, source of our health and well-being, we pray for all victims of acts of violence, for the law enforcement and criminal justice personnel who must deal with them, for the perpetrators themselves. We lift up the research being done on all such illnesses and diseases and give thanks for the medications and the counseling services which are allowing many people to live in safety with mental illnesses. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the twenty-ninth day was approved as corrected by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkenhaus Lumpe Marble Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Bennett 15 Bray 84 Dolan Donovan Farmer

Graham 24 Hand Kelley 47 Lakin Linton

May 108 Ridgeway Shear Skaggs

VACANCIES: 002

**RESOLUTIONS**

Representative Relford offered House Resolution No. 309, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Overschmidt offered House Resolution No. 310, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution No. 311, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hohulin offered House Resolution No. 312, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 749** through **HB 759** were read the second time.

**SECOND READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 17** through **HB 19** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 18**, **SB 19**, **SB 128**, **SB 163** and **SB 299** were read the second time.

**PERFECTION OF HOUSE BILLS**

**HB 32**, relating to essential community providers, was again taken up by Representative Bland.

Speaker Pro Tem Kreider assumed the Chair.

Representative Loudon offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 32, Page 2, Section 2, by amending said section, Line **15**, by deleting after the word "insurer" all of said line, and deleting line **16**.

Representative Loudon moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Bennett (15) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 32, Page 3, Section 4, Line 3, by deleting the words "shall be required to" and insert the following: "may".

Representative Bennett (15) moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:

AYES: 059

Akin Alter Auer Ballard Barnett 4

Bartelsmeyer Bennett 15 Berkstresser Broach Burton

Champion Chrismer Cierpiot Cooper Crawford

Dolan Edwards-Pavia Elliott Enz Evans
Froelker Gaston Gibbons Gross Hegeman
Hendrickson Hohulin Howerton Kauffman Kelley 47
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Marble McClelland
Miller O'Toole Ostmann Patek Pouche
Pryor Purgason Reinhart Richardson Ridgeway
Sallee Scott Secrest Shields Steen
Summers Surface Vogel Wannenmacher

NOES: 091

Backer Barry 100 Bauer Bland Boatright
Bonner Boucher Campbell Carter Clayton
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Donovan Dougherty Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Gaskill Goward Graham 106 Gratz
Green Griesheimer Gunn Harlan Hartzler 123
Hartzler 124 Heckemeyer Hickey Holand Hollingsworth
Hoppe Hosmer Kasten Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Lumpe May 108 Mays 50 McBride
McLuckie Monaco Murphy Murray Naeger
Nordwald O'Connor Overschmidt Parker Ransdall
Relford Reynolds Rizzo Robirds Ross
Scheve Schilling Schwab Seigfreid Sheldon 104
Shelton 57 Skaggs Smith Stoll Stroker
Tate Thomason 163 Townley Treadway Van Zandt
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Bray 84 Ford Graham 24 Hagan-Harrell Hall
Hand Johnson Shear Stokan Thompson 37
Troupe

VACANCIES: 002

On motion of Representative Bland, **HB 32** was ordered perfected and printed.

**HB 34**, relating to state income tax, was taken up by Representative Bland.

Representative Scott offered House Amendment No. 1

Representative Bland raised a point of order that House Amendment No. 1 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Bland, **HB 34** was ordered perfected and printed by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days Dolan Donovan Dougherty Edwards-Pavia
Enz Evans Farmer Farnen Fitzwater
Foley Franklin Fritts Froelker Gaskill
Gaston Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Ridgeway Ross
Sallee Scheve Schilling Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Treadway Van Zandt Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 014

Barnett 4 Elliott Foster Gibbons Hohulin

Linton Lograsso Loudon Richardson Robirds

Schwab Townley Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Ford Hagan-Harrell Hall Hand

McBride Rizzo Shear Troupe

VACANCIES: 002

**HB 354**, relating to municipal protection, was taken up by Representative Murray.

Representative Murray offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 354, Page 2, Section 320.090, Line 21, by inserting after all of said line the following:

"4. Nothing contained in this section shall be construed to require any fire protection district, volunteer fire protection association or any fire department of any political subdivision to increase the number of paid or unpaid firefighters.".

Representative Tate offered House Substitute Amendment No. 1 for House Amendment

No. 1.

House Substitute Amendment No. 1 for House Amendment No. 1 was withdrawn.

Representative Auer assumed the Chair.

Representative Tate offered House Substitute Amendment No. 1 for House Amendment

No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Bill No. 354, Page 2, Section 320.090, Line 21, by inserting after all of said line the following:

"4. Nothing contained in this section shall be construed to require any fire protection district, volunteer fire protection association or any fire department of any political subdivision to increase the number of paid or unpaid firefighters."; and

Further amend House Bill No. 354, Page 1, Section 320.090, Line 10, by deleting said line and inserting in lieu thereof the following: **staff are sent into the structure to fight a major conflagration in response to a mutual aid**

**request;** and

Further amend House Bill No. 354, Page 1, Section 320.090, Line 9, by deleting the word "when" and inserting in lieu thereof the following:

"**after five or more firefighters are on the scene pursuant to a mutual aid request and**"; and

Further amend the title and enacting clause accordingly.

On motion of Representative Tate, House Substitute Amendment No. 1 for House Amendment No. 1 was adopted.

Representative Bennett (15) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 354, Page 1, Section 1, Line 8, by deleting the word "shall" and inserting the word "may".

Representative Clayton raised a point of order that House Amendment No. 2 is amending previously amended material.

Representative Auer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order untimely.

Representative Bennett (15) moved that House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative Murray, **HB 354, as amended,** was ordered perfected and printed by the following vote:

AYES: 083

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Broach Campbell Carter

Champion Cierpiot Clayton Copeland Crump

Daniels 41 Davis 63 Davis 122 Days Donovan

Dougherty Farmer Farnen Fitzwater Foley

Franklin Fritts Graham 24 Gratz Green

Gross Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kelly 27 Kennedy

Kissell Koller Kreider Lakin Leake

Levin Liese Lumpe May 108 Mays 50

McBride McLuckie Monaco Murray Naeger

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Ridgeway Rizzo Scheve

Schilling Seigfreid Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stroker Tate Thompson 37

Treadway Van Zandt Wannenmacher Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 064

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Chrismer

Cooper Crawford Dolan Edwards-Pavia Elliott

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kauffman Kelley 47 Lawson

Legan Linton Lograsso Long Loudon

Marble McClelland Miller Murphy Nordwald

Ostmann Patek Pouche Pryor Purgason

Reinhart Richardson Robirds Ross Sallee

Schwab Scott Secrest Shields Steen

Summers Surface Townley Vogel

PRESENT: 000

ABSENT WITH LEAVE: 014

Bray 84 Daniel 42 Ford Goward Gunn

Hagan-Harrell Hall Hand Luetkenhaus Shear

Stoll Thomason 163 Troupe Wiggins

VACANCIES: 002

**REFERRAL OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were referred to the Committee indicated:

**HB 17** - Budget

**HB 18** - Budget

**HB 19** - Budget

**COMMITTEE REPORTS**

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312**, begs leave to report it has examined the same

and recommends that they **Do Pass**.

**Committee on Consumer Protection**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 702**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HB 282**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HB 424** and **HB 534**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HB 304**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 304, Page 1, Section 578.151, Line 1, by inserting immediately after the number "1." the following: "**It is the intent of the general assembly of the state of Missouri to recognize that all persons shall have the right to hunt, fish and trap in this state in accordance with law and the rules and regulations made by the commission as established in article IV of the Constitution of Missouri.**

**2.**"; and

Further amend said bill, Page 1, Section 578.151, Line 4, by deleting the number "2." and inserting in lieu thereof the following: "[2.] **3.**"; and

Further amend said bill, Page 1, Section 578.151, Line 6, by deleting the number "3." and inserting in lieu thereof the following: "[3.] **4.**".

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 18**, introduced by Representatives Harlan and Copeland, relating to the state treasurer.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 760**, introduced by Representative Edwards-Pavia, relating to county planning and zoning.

**HB 761**, introduced by Representative Hartzler (123), relating to election commissioners.

**HB 762**, introduced by Representatives Davis (63) and Shear, relating to identification of health care personnel.

**HB 763**, introduced by Representative Skaggs, relating to the qualifications of police officers in certain cities.

**HB 764**, introduced by Representative Scott, relating to property taxation.

**HB 765**, introduced by Representative Scott, relating to all-terrain vehicles.

**HB 766**, introduced by Representatives Harlan and Copeland, relating to the state treasurer.

**HB 767**, introduced by Representative Kelley (47), relating to peace officer training.

**HB 768**, introduced by Representatives Richardson and Foster, relating to county prosecutors.

**HB 769**, introduced by Representative Relford, relating to motor vehicles.

**HB 770**, introduced by Representatives Steen and Pryor, relating to activities on the waters in state parks.

**HB 771**, introduced by Representative Barnett (4), relating to board of equalization members.

**HB 772**, introduced by Representatives Barnett (4) and Koller, et al, relating to the department of transportation.

**HB 773**, introduced by Representative McBride, relating to motor vehicles.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 12.**

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, the United States Environmental Protection Agency (EPA) has a responsibility under the federal Clean Air Act to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

WHEREAS, EPA is considering changes to both NAAQS, which includes tightening the ozone standard and adding a separate standard for particulate matter smaller than two and one-half microns in size (PM2.5) in addition to the existing standard for particulate matter smaller than ten microns in size (PM10); and

WHEREAS, states, through their citizens, legislative bodies and regulatory agencies, have worked hard to reduce air pollution and meet clean air requirements; and

WHEREAS, tightened standards could significantly expand the number of nonattainment areas for both standards and result in emissions controls in additional areas, thus imposing significant economic, administrative and regulatory burdens on more citizens, businesses and local governments; and

WHEREAS, there is very little monitoring data for PM2.5; and

WHEREAS, current research indicates that there are many unanswered questions and uncertainties on the PM issue and the need for a more stringent standard, including: divergent opinions among scientists who have investigated this issue, lack of supporting toxicological data, lack of a plausible toxicological mechanism connecting PM2.5 to adverse health effects, lack of an established correlation between recorded levels and public health effects; and

WHEREAS, no clear scientific proof exists that tightening controls on PM2.5 or ozone would avoid alleged adverse health effects, while costs of implementing such a standard would assuredly be high;

WHEREAS, the Agency's action has been taken with virtually no evidence that the change in standards will result in significant health benefits and with no analysis of the enormous costs that will be charged to Missouri business and consumers and to those communities that must implement new complicated compliance programs;

WHEREAS, the Missouri Department of Natural Resources, in testimony before the EPA last fall, indicated that it was premature to tighten air standards severely without adequate health data on the need for such standards or sufficient information on the atmospheric transport of ozone and noted that the EPA has yet to even determine a "reference method" for collecting and reporting data on particulate matter;

WHEREAS, the EPA's own scientific adviser, the Clean Air Science Advisory Committee (CASAC) has recommended that the EPA proceed cautiously and improve the existing state of scientific knowledge before taking costly steps to further control ozone and fine particulate emissions;

WHEREAS, the Senate committee responsible for approving EPA's budget when it allocated $19 million to study particulate matter, noting that it is premature for the EPA to order such drastic changes in air regulations without conducting the necessary scientific review;

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the Eighty-Ninth Missouri General Assembly, the House of Representatives concurring therein, advise and strongly urge EPA to retain the existing NAAQS for ozone; and

BE IT FURTHER RESOLVED, that the EPA is advised and strongly urged to reaffirm the existing PM10 standard and conduct the additional PM2.5 monitoring and scientific research needed to address the issue of causality and other important unanswered questions before a proposal for a new PM2.5 standard or a revised PM10 standard is made; and

BE IT FURTHER RESOLVED, that the EPA should abandon its current consideration of a PM2.5 standard until more information, including, sound science and cost-effectiveness data are available; and

BE IT FURTHER RESOLVED, that the EPA is urged to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would derive from changes to the NAAQS for ozone or particulate matter; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare and transmit properly inscribed copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Missouri Congressional delegation, the Administrator of the United State Environmental Protection Agency and the Director of the Missouri Department of Natural Resources.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 104**, entitled:

An act to repeal section 206.110, RSMo Supp. 1996, relating to the powers of hospital districts, and to enact one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 124**, entitled:

An act to repeal section 144.025, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 148**, entitled:

An act to repeal section 381.412, RSMo Supp. 1996, relating to estate settlement agents, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 194**, entitled:

An act to repeal sections 50.1130 and 50.1180, RSMo 1994, relating to death benefits for county retirement system members, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 216**, entitled:

An act to repeal section 262.260, RSMo 1994, relating to state fair admission fees and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 220**, entitled:

An act to repeal section 294.040, RSMo 1994, and section 294.011, RSMo Supp. 1996, relating to child labor, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 254**, entitled:

An act to repeal section 67.582, RSMo Supp. 1996, relating to the law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 255**, entitled:

An act to repeal sections 57.949, 57.967 and 57.982, RSMo 1994, relating to the sherrifs' retirement system, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 261**, entitled:

An act to repeal section 41.1000, RSMo Supp. 1996, relating to civil air patrol members who are state employees, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 262**, entitled:

An act to repeal sections 329.040, 329.045, 329.080 and 329.085, RSMo Supp. 1996, relating to cosmetologists, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 272**, entitled:

An act to repeal sections 67.1065 and 67.1070, RSMo 1994, relating to homeless assistance programs in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 310**, entitled:

An act to repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency Clause adopted.

In which the concurrence of the House is respectfully requested.

**WITHDRAWAL OF HOUSE BILLS**

February 26, 1997

The Honorable Steve Gaw, Speaker

State Capitol Room 308

Jefferson City, MO 65101

Dear Steve:

I would like to withdraw HB 163, if you have any questions please contact me.

Respectfully submitted,

/s/ Russell C. Gunn

70th District

February 26, 1997

The Honorable Steve Gaw

Speaker of the House of Representatives

State Capitol Building

Jefferson City, MO 65101

Dear Speaker Gaw:

Please withdraw House Bill No. 728. Thank you for your assistance.

Respectfully submitted,

/s/ Jerry E. McBride

State Representative

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, February 27, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-Ninth Day, February 25, 1997, page 430, roll call, by showing Representatives Hosmer and O'Connor voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Thursday, February 27, 1997, 8:30 am. Hearing Room 9. Possible executive session.

AMENDED NOTICE

To be considered - HB 7, HB 8, HB 9, HJR 14

BUDGET

Thursday, February 27, 1997. Hearing Room 9 upon adjournment. Possible executive session.

To be considered - HB 7, HB 8

CORRECTIONAL & STATE INSTITUTIONS

Thursday, February 27, 1997. Side gallery upon adjournment. Executive session.

CRITICAL ISSUES

Thursday, February 27, 1997, 8:00 am. Hearing Room 1.

To be considered - Executive Session - HB 600, Executive Session - HB 335

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, February 27, 1997, 9:00 am. Hearing Room 2.

To be considered - Executive Session - HB 641

ENVIRONMENT AND ENERGY

Thursday, February 27, 1997, 9:30 am. Side gallery.

To be considered - Executive Session - HB 536, Executive Session - HB 288

ENVIRONMENT AND ENERGY

Monday, March 3, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 350, HB 453

INSURANCE

Thursday, February 27, 1997, 9:00 am. Hearing Room 8. Executive session to follow.

Consideration for any bills previously heard.

To be considered - HB 449

JUDICIARY

Thursday, February 27, 1997. Hearing Room 8 upon adjournment.

To be considered - Executive Session - HB 588

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, February 27, 1997. Side gallery upon adjournment. Executive session.

TRANSPORTATION

Monday, March 3, 1997. Side gallery upon adjournment. Executive session.

UTILITIES REGULATION

Thursday, February 27, 1997, 8:00 am. Hearing Room 5. Executive session may follow.

To be considered - HB 443, HB 673, HB 186

**HOUSE CALENDAR**

THIRTY-FIRST DAY, THURSDAY, FEBRUARY 27, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 18

**HOUSE BILLS FOR SECOND READING**

HB 760 through HB 773

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 1 - Hosmer

HJR 2 - Kreider

HCS HJR 9 - Lumpe

HJR 11 - Leake

**HOUSE BILLS FOR PERFECTION**

HCS HB 87 & 264 - Kreider

HB 259 - Liese

HB 342 - Lumpe

HB 390 - Hoppe

HCS HB 356 - Skaggs

HCS HB 114 - Thompson (37)

HCS HB 538 - Scheve

HCS HB 450 - Green

HCS HB 155, 81 & 171 - Farmer

HB 630 - Boucher

HCS HB 620 - Mays (50)

HCS HB 361 - May (108)

HCS HB 495 - Backer

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

**HOUSE BILLS FOR THIRD READING**

HCS HB 557, (Budget 2-24-97) - Leake

HB 107 - Boucher

HB 516 - Backer

HB 229 - Auer

**SENATE BILLS FOR SECOND READING**

SCS SB 104

SB 124

SB 148

SCS SB 194

SB 216

SCS SB 220

SB 254

SB 255

SB 261

SB 262

SB 272

SB 310

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

**COURTESY RESOLUTIONS**

HR 278 - Liese

HR 279 - Kreider

HR 280 - Murphy

HR 281 - Berkstresser

HR 282 - Murray

HR 283 - Patek

HR 284 - Lumpe

HR 285 - Fritts

HR 286, Missouri Legislative Black Caucus -

HR 287 - Harlan

HR 288 - Williams (159)

HR 289 - Williams (159)

HR 290 - Schilling

HR 291 - Lawson

HR 292 - Patek

HR 293 - Boatright

HR 294 - Boatright

HR 295 - Luetkenhaus

HR 296 - Riback Wilson

HR 297 - Champion

HR 298 - Naeger

HR 299 - Hartzler (123)

HR 300 - Hartzler (123)

HR 301 - Hendrickson

HR 302 - Ross

HR 303 - Ross

HR 304 - Ross

HR 305 - Ross

HR 306 - Ross

HR 307 - Ross

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HR 309 - Relford

HR 310 - Overschmidt

HR 311 - Relford

HR 312 - Hohulin

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-FIRST DAY, Thursday, February 27, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

The world is a complex place, O Holy One, and we find ourselves confronted on all sides, needing to make decisions, needing to take stands, whether on the status of health care, welfare, executions, abortions, or budgets. And in the midst of these life-changing issues we still struggle with the trivialities of life. Help us to sort through these things with rational and compassionate minds and hearts, that our decisions might be wise ones.

Keep us from harshly criticizing the work of others, and help us remember that we have no right to criticize unless we are prepared to do the job better, or at least give a hand with it.

Keep us from contemptuously or arrogantly criticizing the beliefs of others. Help us remember that there are as many ways to the stars as there are hands to reach for them.

And now, O God of Wisdom, enable us today to walk in your light; to act in your strength; to think in your wisdom; to speak in your truth; and to live in your love. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tierra Grady, Devon Catching, Brandon Adams, Jonathon Stark, Crystal Moore, Sharon Jeffries, Brian Thomas, Jennifer Camp, David Jordan, Joe Jordan, Michael Jordan, Douglas Ross Whitehead, Sara Jeffries, Dione Tomporowski, Kristy Rainey and Rachel Thompson.

The Journal of the thirtieth day was approved as corrected.

**RESOLUTIONS**

Representative Days offered House Resolution No. 313, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 314, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barry offered House Resolution No. 315, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 316, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Pryor offered House Resolution No. 317, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 318, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution No. 319, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kissell offered House Resolution No. 320, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 321, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COURTESY RESOLUTIONS**

House Resolution Nos. 278 through 312 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 278 through 312 were adopted.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 18** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 760** through **HB 773** were read the second time.

**SECOND READING OF SENATE BILLS**

**SCS SB 104**, **SB 124**, **SB 148**, **SCS SB 194, SB 216**, **SCS SB 220**, **SB 254**, **SB 255**, **SB 261**, **SB 262**, **SB 272** and **SB 310** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 229**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 32, HB 34** and **HB 516**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 557 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 278**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**THIRD READING OF HOUSE BILLS**

**HCS HB 557**, relating to economic development, was taken up by Representative Leake.

On motion of Representative Leake, **HCS HB 557** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Bray 84 Dolan Donovan Ford Hagan-Harrell
Hall Hand O'Connor Pouche Shear
Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Auer moved that motion lay on the table.

The latter motion prevailed.

**HB 107**, relating to state purchasing, was taken up by Representative Boucher.

On motion of Representative Boucher, **HB 107** was read the third time and passed by the following vote:

AYES: 135

Alter Auer Backer Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Bland Bonner
Boucher Broach Burton Campbell Carter
Champion Chrismer Cierpiot Cooper Copeland
Crawford Crump Daniel 42 Davis 63 Davis 122
Days Dougherty Edwards-Pavia Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Harlan Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Monaco
Murphy Murray Naeger Nordwald O'Toole
Ostmann Overschmidt Parker Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 011

Akin Ballard Berkstresser Boatright Elliott
Gaston Hartzler 123 Hohulin Miller Patek
Robirds

PRESENT: 001

Clayton

ABSENT WITH LEAVE: 014

Bray 84 Daniels 41 Dolan Donovan Ford
Hagan-Harrell Hall Hand Koller Long
O'Connor Pouche Shear Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bauer, title to the bill was agreed to.

Representative Bland moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HB 516**, relating to motor vehicle franchise practices, was taken up by Representative Backer.

On motion of Representative Backer, **HB 516** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gunn Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kennedy Kissell Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thompson 37 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Bray 84 Daniels 41 Dolan Donovan Ford

Gross Hagan-Harrell Hall Hand Kelley 47

Kelly 27 Koller O'Connor Pouche Shear

Thomason 163 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

**HB 229**, relating to transportation sales tax, was taken up by Representative Auer.

On motion of Representative Auer, **HB 229** was read the third time and passed by the following vote:

AYES: 091

Auer Backer Barry 100 Bauer Bennett 15
Bland Boucher Campbell Clayton Cooper
Copeland Crump Daniel 42 Davis 63 Davis 122
Days Dougherty Farmer Farnen Fitzwater
Foley Franklin Fritts Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Harlan Hartzler 123 Heckemeyer
Hickey Hollingsworth Hoppe Hosmer Johnson
Kauffman Kelly 27 Kennedy Kissell Kreider
Lakin Leake Liese Long Luetkenhaus
Lumpe May 108 Mays 50 McBride McClelland
McLuckie Monaco Murray Nordwald O'Toole
Ostmann Overschmidt Parker Ransdall Relford
Reynolds Rizzo Robirds Ross Scheve
Schilling Seigfreid Sheldon 104 Shelton 57 Skaggs
Smith Stokan Stoll Stroker Tate
Thomason 163 Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 055

Akin Alter Ballard Barnett 4 Bartelsmeyer
Berkstresser Boatright Bonner Broach Burton
Champion Chrismer Cierpiot Crawford Edwards-Pavia
Elliott Enz Evans Foster Froelker

Gaskill Gaston Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kelley 47

Lawson Legan Levin Linton Lograsso

Loudon Marble Miller Murphy Naeger

Patek Pryor Purgason Reinhart Richardson

Ridgeway Sallee Schwab Scott Secrest

Shields Steen Summers Surface Townley

PRESENT: 001

Carter

ABSENT WITH LEAVE: 014

Bray 84 Daniels 41 Dolan Donovan Ford

Hagan-Harrell Hall Hand Koller O'Connor

Pouche Shear Thompson 37 Troupe

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HCS HBs 87 and 264**, relating to county building codes, was taken up by Representative Kreider.

On motion of Representative Kreider, **HCS HBs 87 and 264** was adopted.

On motion of Representative Kreider, **HCS HBs 87 and 264** was ordered perfected and printed.

**HB 259**, relating to life insurance, was taken up by Representative Liese.

Representative Liese offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill 259, Page 4, Section 376.1106, Line 2, by inserting after the word "director" and before the period the following "and the filing fee provided by section 374.230(6) has been paid"; and

Further amend said bill, Page 6, Section 376.1120, Line 2, by deleting "August 28, 1996" and inserting in lieu

thereof "August 28, 1997"; and

Further amend said bill, Page 6, Section 376.1122, Line 2, by deleting "376.1122" and inserting in lieu thereof "376.1120".

And further amend the title and enacting clause accordingly.

On motion of Representative Liese, House Amendment No. 1 was adopted.

Representative Hartzler (124) offered House Amendment No. 2.

Representative Liese raised a point of order that House Amendment 2 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Liese, **HB 259, as amended,** was ordered perfected and printed.

**HB 342**, relating to federal reimbursement allowance, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 342** was ordered perfected and printed.

**HCS HB 356**, relating to state retirement systems, was taken up by Representative Skaggs.

Representative Backer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 356, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "104.103,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the number "104.103,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "eleven" and inserting in lieu thereof the word "twelve" and by inserting before the number "104.335" the number "104.103,"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after all of said line the following:

"104.103. 1. Each member who **was employed prior to August 28, 1997, and** retires on or after May 12, 1981, shall receive each year [an] **a percentage** increase in the amount of benefits received by the member during the preceding year of eighty percent of the increase in the consumer price index determined in the manner hereinafter provided. Any such annual benefit increase, however, shall not exceed five percent, nor be less than four percent, and the total increase in the amount of benefits received pursuant to the provisions of this section shall not exceed sixty-five percent of the initial monthly benefit which the member received upon retirement or the benefit received immediately prior to October 1, 1986, whichever is later.

2. **Each member who is employed for the first time on or after August 28, 1997, and retires shall be entitled annually to a percentage increase in the retirement benefit payable equal to eighty percent of the increase in the consumer price index. Such benefit increase, however, shall not exceed five percent of the retirement benefit payable prior to the increase.**

**3. Each member who is employed before August 28, 1997, and terminates employment or retires after that date shall be entitled to the annual benefit increase described in subsection 1 of this section. For such members, the annual benefit increase described in subsection 2 of this section shall not be effective until the year in which the member reaches the limit on total annual benefit increases provided by subsection 1 of this section. After that year, the member shall receive the annual benefit increase described in subsection 2 of this section.**

**4. Survivors of members described in subsection 2 of this section shall be entitled to the annual benefit increase described in that subsection.**

**5.** For the purposes of this section, any increase in the consumer price index shall be determined [by the board in February] **in January** of each year, [beginning with February of 1981,] based upon the **percentage increase of (a) the** consumer price index for the preceding calendar year over **(b)** the consumer price index for the calendar year immediately prior thereto. Any increase so determined shall be applied [by the board] in calculating any benefit increases that become payable under this section [for the twelve-month period beginning with the March first immediately following such determination] **during the calendar year in which the determination is made and in no case shall the percentage be less than zero**.

[3.] **6.** An annual increase, if any is due **under either this section or section 104.612 for special consultants with the highways and transportation employees' and highway patrol retirement system**, shall be payable monthly beginning on a date specified by the board.

[4.] **7.** For members who retire on or after August 28, 1994, in the event such member has chosen a joint and survivor option under the provisions of section 104.090 and the member's eligible spouse precedes the member in death, the member's benefit shall revert, effective the first of the month following receipt by the board of a written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.

[5.] **8.** Effective on or after August 28, 1994, any retired member who had elected a joint and survivor payment option and whose spouse precedes or preceded the member in death, shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant under the provisions of this subsection, the member's reduced benefit will revert to a normal annuity as adjusted for early retirement if applicable, effective the first of the month following receipt by the board of a written application; such benefit shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity. In no event shall retroactive benefits be paid.".

On motion of Representative Backer, House Amendment No. 1 was adopted.

Representative Froelker offered House Amendment No. 2.

Representative Franklin raised a point of order that House Amendment No. 2 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Skaggs, **HCS HB 356, as amended,** was adopted.

On motion of Representative Skaggs, **HCS HB 356, as amended,** was ordered perfected and printed.

**HCS HB 538**, relating to challenge scholarship program, was taken up by Representative Scheve.

Representative Schilling offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 538, Page 2, Section 173.740.1, Lines 49 and 50, by deleting all of said lines.

Representative Schilling moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 012

Boucher Carter Daniel 42 Farmer Harlan
Kelley 47 Murphy Schilling Scott Thompson 37
Van Zandt Wilson

NOES: 125

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Broach Burton Campbell
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Davis 63 Davis 122
Days Dougherty Edwards-Pavia Enz Evans
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kennedy Kissell Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murray Naeger
Nordwald O'Toole Ostmann Overschmidt Parker
Patek Pryor Purgason Ransdall Reinhart
Relford Reynolds Ridgeway Robirds Ross
Sallee Scheve Schwab Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Mr. Speaker

PRESENT: 001

Hartzler 123

ABSENT WITH LEAVE: 023

Auer Bland Bray 84 Daniels 41 Dolan

Donovan Elliott Ford Goward Hagan-Harrell

Hall Hand Kelly 27 Koller Loudon

O'Connor Pouche Richardson Rizzo Shear

Steen Troupe Wooten

VACANCIES: 002

Representative Gross offered House Amendment No. 2

Representative Farnen raised a point of order that House Amendment No. 2 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Legan offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 538, Page 2, Section 173.740, Line 40, by deleting **sixty credit hours** and inserting in lieu of the following: "a baccalaureate degree"; and

Further amend said bill, Page 2, Line 50, by adding the following: (G) may be applied to any 60 credit hours.

Representative Legan moved that House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Kelley (47) offered House Amendment No. 3.

Representative Scheve raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Shields offered House Amendment No. 3.

Representative Scheve raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Scheve, **HCS HB 538** was adopted.

On motion of Representative Scheve, **HCS HB 538** was ordered perfected and printed.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 14**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

**SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HB 14** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 14** was delivered to the Governor by the Chief Clerk of the House.

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 17** - Elections

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 34** - Budget (Fiscal Note)

**HB 735** - Retirement

**HB 736** - State Parks, Natural Resources and Mining

**HB 737** - Motor Vehicle and Traffic Regulations

**HB 738** - Criminal Law

**HB 739** - Criminal Law

**HB 740** - Criminal Law

**HB 741** - Civil and Administrative Law

**HB 742** - Criminal Law

**HB 743** - Correctional and State Institutions

**HB 744** - Criminal Law

**HB 745** - Judiciary

**HB 746** - Commerce

**HB 748** - Consumer Protection

**HB 749** - Local Government and Related Matters

**HB 750** - Ways and Means

**HB 751** - Motor Vehicle and Traffic Regulations

**HB 752** - Labor

**HB 753** - Criminal Law

**HB 754** - Workers Compensation and Employment Security

**HB 755** - Municipal Corporations

**HB 756** - Local Government and Related Matters

**HB 757** - Judiciary

**HB 758** - Judiciary

**HB 759** - Education - Elementary and Secondary

**COMMITTEE REPORTS**

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 50**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Banks and Financial Institutions**, Chairman Copeland reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 387**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 633**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 58**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 88**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 244**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 250**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 300**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 319**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 610**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Consumer Protection**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 209**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 209, Page 2, by adding the following language after line 19:

SECTION 3. **The property owner shall receive just compensation for the installation of cable television facilities. Upon receiving a request for access from a cable television operator, a property owner shall negotiate with the**

**cable television franchisee in good faith to determine such just compensation in accordance with the following factors:**

**(1) the extent to which the cable television facilities physically occupy such dwellings;**

**(2) the extent to which such facilities would interfere with the normal use and enjoyment of such dwelling; and**

**(3) the enhancement in value to such dwelling resulting from the availability of services provided over the cable television facilities.**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 529**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 150**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 651**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 520**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 265**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 95**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 104**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 65** and **HB 132**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 69** and **HB 179**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 335**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 600**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 641** and **HB 593**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 493** and **HB 39**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 172**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HCR 12**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 12

WHEREAS, the Federal Clean Air Act, as amended, 42 U.S.C. 7401 *et seq*., contains a comprehensive regulatory scheme for the control of emissions from mobile and stationary sources; and

WHEREAS, ozone and other air pollutants have declined substantially over the past 25 years throughout the United States due to implementation of the Clean Air Act, with additional progress expected as the 1990 Clean Air Act Amendments are implemented; and

WHEREAS, the Northeast Ozone Transport Commission ("OTC"), in an effort to remedy the serious ozone nonattainment conditions prevailing in urbanized areas of the Northeast, has proposed emission control requirements for stationary and mobile sources more stringent than those applicable to states outside of the Northeast Ozone Transport Region ("OTR"), including a petition to the U.S. Environmental Protection Agency ("EPA") concerning Low-Emitting Vehicle emission control requirements, and a Memorandum of Understanding concerning stationary source emission control requirements; and

WHEREAS, the OTC's initiatives together with other local emission control actions will help northeastern states to attain the national ambient air quality standard for ozone; and

WHEREAS, in response to concerns raised by certain northeastern states about the interstate transport of ozone, the U.S. EPA has convened the Ozone Transport Assessment Group ("OTAG"), involving representatives from 37 states to the west and south of the Northeast OTR, including Missouri, to consider means to reduce the atmospheric transport of ozone; and

WHEREAS, OTAG will develop recommendations in 1997 for emission control actions in states outside of the Northeast that may form the basis for U.S. EPA enforcement actions under the Clean Air Act, including the preparation and submission of State Implementation Plans calling for control actions in Missouri not specifically mandated by the Clean Air Act Amendments of 1990; and

WHEREAS, both the Midwestern Governors' Association and the Southern Governors' Conference have adopted resolutions calling on U.S. EPA and OTAG, *inter alia*, to include state legislative participation within OTAG, but such participation has neither been invited nor taken place; and

WHEREAS, computer modeling studies prepared by OTAG indicate that: a) ozone nonattainment is caused predominantly by local emission sources in densely-populated urbanized areas; b) emissions originating in Missouri do not contribute significantly to ozone nonattainment in other states or regions; and c) even the most extreme emission controls imposed in local or in upwind areas would not permit some urban areas to demonstrate attainment of the national ozone standard; and

WHEREAS, emission controls for stationary and mobile sources under consideration by OTAG for states outside the Northeast are substantially more stringent and more costly than those mandated by the Clean Air Act Amendments of 1990, and could impair the competitiveness of businesses and industries in Missouri, with

negligible environmental benefits, and with adverse effects on employment and income in Missouri; and

WHEREAS, imposition of emission control requirements under consideration by OTAG could impede economic development and job creation to the detriment of the well-being of the citizens of Missouri and its economy; and

WHEREAS, legislative oversight of proposed actions of the Ozone Transport Assessment Group, and related actions of U.S. EPA directly or indirectly affecting the citizens and economy of Missouri, is in the public interest:

NOW, THEREFORE, BE IT RESOLVED by the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that the Director of the Department of Natural Resources be requested to provide periodic reports to the legislature on progress in the OTAG decision-making process, and submit any proposed OTAG recommendations, together with the explanation thereof, as expeditiously as practicable to the Governor, President Pro Tem of the Senate, Speaker of the House, and the Chairmen of the House Committee on Environment and Energy and the Senate Committee on Commerce and Environment for review and consideration; and

BE IT FURTHER RESOLVED that within a reasonable time following receipt of the aforesaid proposed OTAG recommendations, and prior to those recommendations being made final by OTAG, the committees shall convene public hearings to receive comments from agencies of government and other interested parties on the prospective economic and environmental impacts of said decisions or recommendations, including impacts on energy use, the environment, economic development, utility costs and rates, transportation fuel costs, and industrial competitiveness; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Director of the Department of Natural Resources.

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 135**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2.**

*House Committee Amendment No. 1*

AMEND House Bill No. 135, Page 3, Section 414.400, Line 68, by deleting all of said line and inserting in lieu thereof the following:

"(1) [The agency's] **Such** vehicles are [designed to be operated] **used primarily in** off road**, construction, or road maintenance**" ; and

Further amend said bill, Page 3, Section 414.400, Line 72, by inserting immediately after the word "are" the following:

"**trucks or utility vehicles as defined by the office of administration that are**" ; and

Further amend said bill, Page 3, Section 414.400, Lines 75 to 76, by deleting all of said lines and inserting in lieu thereof the following: "for six persons **and the director of the agency has certified that the vehicle will be used to transport its rated capacity in persons and/or cargo**[; or" ; and

Further amend said bill, Page 3, Section 414.400, Line 80, by inserting immediately after all of said line, the following:

"**5. The purchase of all class III vehicles, as defined by the office of administration, shall be approved through the appropriations process for all departments except the highway patrol.**" ; and

Further amend said bill, Page 6, Section 414.415, Lines 5 and 6, by deleting the words "**under contract in the same vehicle procurement class**" and inserting in lieu thereof the words: "**of the same make and mode**l" ; and

Further amend said bill, Page 6, Section 414.415, Line 6, by deleting the word "**fifteen**" and inserting in lieu

thereof the word "**ten**".

*House Committee Amendment No. 2*

AMEND House Bill No. 135, Page 6, Section 414.415, Line 10, by inserting immediately after the words "**section 414.400**" the following:

"**, except that vehicles purchased pursuant to sections 414.410 to 414.415 that are based for the life of the vehicle and used primarily in maintenance and nonattainment areas defined with regard to the National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., shall not exceed such cost of conventional fuel vehicles of the same make and model by more than seventeen percent**".

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 288**, begs leave to report it has examined the same and recommends that it **House Committee Substitute Do Pass.**

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 664**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 626**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 588**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HB 43**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 13**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO.13

WHEREAS, the residential building industry is a major Missouri industry and is vital to the economic health of the state; and

WHEREAS, residential building contractors are not required to be licensed or regulated by the state; and

WHEREAS, all cities and counties in the state of Missouri have not exercised the authority to license or regulate residential building contractors; and

WHEREAS, problems resulting from violations of city and county building codes continue to occur; and

WHEREAS, existing city and county building codes are not always adequately enforced; and

WHEREAS, lack of consumer knowledge prevents home buyers from adequately protecting themselves from dishonest or unqualified residential building contractors; and

WHEREAS, losses incurred by homeowners as a result of improper construction practices are a serious concern:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that an interim committee of the General Assembly be created to be composed of five members of the House, to be appointed by the Speaker of the House, and five members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee make a in-depth study and review of the issues surrounding the need for regulation or licensure of residential building contractors and formulate comprehensive solutions to the problems that exist with regard to purchasing and constructing safe and structurally sound residences; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the second regular session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HB 438**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 214**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 123**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 566**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 213**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 309**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 129**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Retirement**, Vice-Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 331**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 174**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HB 327**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 207**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 134**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HCR 4**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, the economic vitality and well-being of the state of Missouri depends on the availability of reliable, low-cost electric energy; and

WHEREAS, there is currently a nationwide trend toward competition in the generation, sale and transmission of electric energy, one which has both potential benefits and potential adverse effects on public utilities and their shareholders, their customers, and the citizens of this state; and

WHEREAS, the Missouri General Assembly believes that it is in the best interest of the citizens of this state to explore the effects of competition in the generation, sale, and transmission of electric energy:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of four members of the House, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations on the following issues:

1. Financial issues, including:

(a) The taxes and fees paid by public utilities and the tax and fee implications for local governments.

(b) The quantification and recovery of stranded investments and costs by public utilities.

(c) The pricing of transmission and distribution services.

(d) The pricing and rate subsidies for all classes of customers.

(e) The unbundling costs of services.

(f) Retail wheeling, including distribution losses.

2. Legal issues, including:

(a) The issues of state and federal jurisdiction.

(b) The state statutory and regulatory constraints and oversight.

(c) The issues related to the federal energy regulatory commission.

(d) The commerce clause constraints, interstate reciprocity and the regional nature of the industry.

(e) The impact on existing statutes.

(f) The obligations of a utility to serve customers.

(g) The use and protection of proprietary information in a competitive market.

3. Social issues, including:

(a) The planning and operations of public utilities.

(b) The efficiency and sufficiency of an aggregate supply of energy.

(c) The possible environmental impacts.

(d) The possible impact on the development and use of renewable resources.

(e) The recovery of the cost of social, low-income and noneconomic renewable energy programs in order to ensure that costs are fairly and equitably shared among all consumers of electric energy.

4. Issues related to system planning, operation and reliability, including:

(a) Electric system reliability.

(b) Customer's choice of generation providers.

(c) The applicability of regulatory reliability criteria to nonutility market participants.

(d) The form and requirements of contracts for the sale or purchase of electric energy.

(e) Requirements for metering energy usage at the customer's location.

(f) Designation and regulation of ancillary services.

5. Identification and review of the potential market structures, including:

(a) The possible market structures for a deregulated generation market and transmission market and whether they should be mandated or allowed to form voluntarily.

(b) The formation of market segments in response to customers' requirements.

(c) The impact on the investment stability of the electric utility industry.

(d) The impact on multipurpose entities.

(e) The potential to improve economic efficiency.

(f) The size of the market and the extent to which its size impacts the level of benefits for customers or groups of customers.

(g) The ability of participants with control over the generation and transmission system to exercise market power over pricing or the need for controls to prevent the exercise of market power.

(h) The controls or bans on corporate relationships between regulated utilities and emerging competitive sectors.

(i) The barriers to achieving nondiscriminatory competition among electric energy suppliers.

(j) The viability of all customers to participate in and benefit from a competitive electricity market.

6. Other issues related to the generation, sale and transmission of electric energy; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the second regular session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission; the Division of Energy; Department of Natural Resources; the Department of Economic Development; the Office of Public Counsel; rural electric cooperatives; investor owned and municipal utilities; and agricultural, industrial, commercial, and residential customer representatives; and

BE IT FURTHER RESOLVED FURTHER RESOLVED that the committee shall, early in its deliberations, call upon any representative of the natural gas industry, including all forms of investor owned and municipal utilities, the Missouri Public Service Commission, and the Office of Public Counsel, to determine if the natural gas industry should be included in the study and recommendations; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

*House Committee Amendment No. 1*

AMEND House Concurrent Resolution No. 4, Lines 14 through 22, by striking all of said lines and inserting in lieu thereof the following:

**NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Eighty-Ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-Ninth General Assembly; and**.

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HCR 10**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the state of Missouri's economic vitality and well-being are dependent upon telecommunications services and energy services; and

WHEREAS, deregulation of telecommunications and energy services will likely create competitive markets, new services and customer choices; and

WHEREAS, taxes, fees and other assessments on various telecommunications and energy services are imposed by the state and the various political subdivisions of the state with differing rates, tax bases and assessment practices upon similar properties and upon related and competitive services, such as telephone and cable television; and

WHEREAS, the privilege and procedure for granting of conveyance, easement and right-of-way of certain properties impact the fair and consistent delivery of telecommunications and energy services in a competitive market; and

WHEREAS, a fair, equitable and consistent tax structure will ensure adequate and affordable telecommunications and energy services across different regions of the state; and

WHEREAS, in the interest of fairness, competition and defining the role of government, the issue of whether governmental entities should expend public resources to compete with private telecommunications entities should be explored:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, technological and economic issues of telecommunications and energy services taxes and fees, to include sales, use, gross receipts, licenses and franchise fees and taxes, competition between governmental entities and private telecommunication entities, consistency and fairness of conveyance, easement and right-of-way practices relating to telecommunications and energy delivery of services, any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic development, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 19**, introduced by Representative Tate, relating to taxation.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 774**, introduced by Representative Elliott, relating to the regulation of telecommunications.

**HB 775**, introduced by Representative Alter, relating to juvenile curfews.

**HB 776**, introduced by Representative Murphy, relating to certain merchandising practices.

**HB 777**, introduced by Representative Hosmer, relating to victims of crime.

**HB 778**, introduced by Representative Kreider, relating to school buses.

**HB 779**, introduced by Representative Long, relating to certain expenditures of public funds.

**HB 780**, introduced by Representative Fitzwater, relating to the removal of a guardian or conservator.

**HB 781**, introduced by Representatives Parker and Froelker, relating to the forty-second judicial circuit.

**HB 782**, introduced by Representative Cierpiot, relating to public contracts.

**HB 783**, introduced by Representative Stoll, relating to motor vehicle drivers' licenses.

**HB 784**, introduced by Representatives Kreider and Backer, relating to group and individual health insurance.

**HB 785**, introduced by Representatives Lograsso and Ross, relating to school finances.

**HB 786**, introduced by Representative Shields, et al, relating to the A+ schools program.

**HB 787**, introduced by Representative Barry, relating to public schools.

**HB 788**, introduced by Representative Pryor, relating to volunteer fire departments.

**HB 789**, introduced by Representative Hollingsworth, relating to domestic relations.

**HB 790**, introduced by Representatives Edwards-Pavia and Boucher, et al, relating to licensing and regulation of building inspectors.

**HB 791**, introduced by Representative Stoll, relating to publication of legal notices.

**HB 792**, introduced by Representative Tate, relating to the infrastructure assistance program.

**HB 793**, introduced by Representative Auer, relating to insurance companies.

**HB 794**, introduced by Representative May (108), et al, relating to the clerks of circuit courts.

**HB 795**, introduced by Representatives Lumpe, Williams (121), Lakin, Kelley (47), Kasten, Dougherty, Evans and Gibbons, relating to establishing the families work act.

**HB 796**, introduced by Representative Hoppe, relating to bingo.

**HB 797**, introduced by Representative Kissell, et al, relating to school attendance.

**WITHDRAWAL OF HOUSE BILL**

February 28, 1997

Dear Mr. Speaker,

I would like to request that HB 192 that has been assigned to the Committee on Civil and Administrative Law be withdrawn.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Stephen Stoll

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, March 3, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirtieth Day, Wednesday, February 26, 1997, page 439, roll call, by showing

Representatives May (108), Bennett and Ridgeway voting "aye" rather than "absent with leave".

Page 440, roll call, by showing Representative Johnson voting "no" rather than "absent with leave".

Page 441, roll call, by showing Representative Robirds voting "no" rather than "aye".

Page 443, roll call, by showing Representative Gunn voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Monday, March 3, 1997, 7:30 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 700, HB 699, HB 437

BUDGET

Monday, March 3, 1997, 1:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 8, HB 9, HB 11

BUDGET

Monday, March 3, 1997, 8:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 9, HB 11

CIVIL AND ADMINISTRATIVE LAW

Tuesday, March 4, 1997. House Chamber upon morning adjournment.

To be considered - Executive Session - HB 474, Executive Session - HB 333,

Executive Session - HB 279

CRIMINAL LAW

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 591, HB 649, HB 697, HB 321, HB 545, HB 514, HB 154,

HB 412

CRITICAL ISSUES

Monday, March 3, 1997, 8:00 pm. Hearing Room 7. Executive session will follow.

To be considered - HB 111, HB 642, HB 480, HB 510

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 4, 1997, 2:00 pm. Hearing Room 8. Executive session on Consent Bills.

To be considered - HB 521, HB 457, HB 628, HB 604, HB 662

ELECTIONS

Tuesday, March 4, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 696, HB 681, HB 469, HJR 16

ENVIRONMENT AND ENERGY

Monday, March 3, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 350, HB 453

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 4, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 679, HB 680, HB 708, HB 715

PUBLIC HEALTH AND SAFETY

Tuesday, March 4, 1997, 3:00 pm. Hearing Room 9. Executive session following.

To be considered - HB 584, HB 585, HB 635, HB 724

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 4, 1997, 8:00 pm. Hearing Room 5

To be considered - HB 705

TRANSPORTATION

Monday, March 3, 1997. Side gallery upon adjournment. Executive session.

UTILITIES REGULATION

Monday, March 3, 1997, 3:30 pm. Hearing Room 5. Executive session.

WAYS AND MEANS

Tuesday, March 4, 1997, 3:00 pm. Hearing Room 1 and 2.

To be considered - HB 293, HB 307, HB 346, HB 483, HB 615, HB 619, HB 638, HB 647

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, March 3, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 727, Executive Session - HB 446, Executive Session - HB 636, Executive Session - HB 727

**HOUSE CALENDAR**

THIRTY-SECOND DAY, MONDAY, MARCH 3, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 19

**HOUSE BILLS FOR SECOND READING**

HB 774 through HB 797

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 1 - Hosmer

HJR 2 - Kreider

HCS HJR 9 - Lumpe

HJR 11 - Leake

**HOUSE BILLS FOR PERFECTION**

HB 390 - Hoppe

HCS HB 114 - Thompson (37)

HCS HB 450 - Green

HCS HB 155, 81 & 171 - Farmer

HB 630 - Boucher

HCS HB 620 - Mays (50)

HCS HB 361 - May (108)

HCS HB 495 - Backer

HCS HB 589 - Rizzo

HCS HB 212 - Treadway

HCS HB 424 & 534 - Crump

HCS HB 529 - Crump

HCS HB 335 - Harlan

HB 339, HCA 1 - Kreider

HCS HB 600 - Carter

HB 193 - Auer

HCS HB 528 - Wiggins

HCS HB 100 - Williams (121)

HCS HB 493 & 39 - Farnen

HCS HB 426, 576 & 567 - Luetkenhaus

**HOUSE BILL FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 3, 1997)

HB 59 - Hosmer

HB 172 - Leake

HB 327 - McBride

HB 633 - Copeland

HB 150 - Gaskill

HB 626 - Liese

HB 387 - Smith

HB 319 - Fritts

HB 244 - Hosmer

HB 95 - Long

HB 651 - Schilling

HB 300 - Barry

HB 104 - Bonner

HB 250 - Graham (106)

HB 309 - Treadway

HB 610 - Hosmer

HB 265 - Richardson

HB 88 - Smith

HB 520 - Green

HB 213 - Treadway

HB 438 - Fritts

HB 207 - Koller

HB 123 - Howerton

HB 566 - Treadway

**HOUSE BILLS FOR THIRD READING**

HB 32 - Bland

HB 34, (Budget 2-27-97) - Bland

HB 354 - Murray

**HOUSE CONCURRENT RESOLUTIONS**

HCR 12 - Cooper

HCR 4, HCA 1 - Burton

HCR 13 - Boucher

HCR 10 - Burton

**HOUSE RESOLUTIONS**

**HR 69, (2-5-97, pg. 258) - Hosmer**

**HR 124, (2-5-97, pg. 259) - Liese**

**HR 147, (2-19-97 pg. 355) - Backer**

**HR 166, (2-19-97 pg. 355) - Williams (121)**

**Return to the Missouri House of Representatives**

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-SECOND DAY, Monday, March 3, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

O Lord, after a weekend of rest, we return to this House with business to tend to. Strengthen and guide all those who are sincerely trying to do what is right, and make it plain what is to be done. Make each one here more mindful of the needs of the individuals of this state, and less absorbed in selfish concerns.

On this beautiful spring day, we offer thanks for rest and time with family and friends. May our days away refresh us to lend our fullest attention to the work that is here to do. And may we trust that you will keep those we love safe until we are with them again.

Thank you for granting us your mercy, your love, and your wisdom in this new week. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-first day was approved as corrected by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor Ostmann Overschmidt

Parker Patek Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Carter Ford Goward Gunn

Hand Long O'Toole Pouche Secrest

Troupe

VACANCIES: 002

**RESOLUTIONS**

Representative Farnen offered House Resolution No. 322, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Naeger offered House Resolution No. 323, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Daniels (41) offered House Resolution No. 324, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 325, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Wannenmacher offered House Resolution No. 326, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Davis (122) offered House Resolution No. 327, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative O'Toole offered House Resolution No. 328, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crawford offered House Resolution No. 329.

Representative Stoll offered House Resolution No. 330, which was referred to the Committee

on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 331, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McBride offered House Resolution No. 332, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTIONS**

Representative Patek offered House Concurrent Resolution No. 19.

Representative Wooten offered House Concurrent Resolution No. 20.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 19** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 774** through **HB 797** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 342, HB 354** and **HB 259**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 356** and **HCS HB 538**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 356** - Budget (Fiscal Note)

**HCS HB 538** - Budget (Fiscal Note)

**PERFECTION OF HOUSE BILLS**

**HCS HB 114**, relating to transportation sales tax, was taken up by Representative Thompson (37).

On motion of Representative Thompson (37), **HCS HB 114** was adopted.

On motion of Representative Thompson (37), **HCS HB 114** was ordered perfected and printed.

**HCS HBs 155, 81 and 171**, relating to state income tax, was placed on the Informal Calendar.

**HB 630**, relating to flag etiquette, was taken up by Representative Boucher.

On motion of Representative Boucher, **HB 630** was ordered perfected and printed.

**HCS HB 620**, relating to telecommunications service, was taken up by Representative Mays (50).

Representative Mays (50) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 620, page 3, Section 392.410, Line 50, by striking the words "public convenience and necessity" in said line and inserting in lieu thereof the following: "**service authority**".

On motion of Representative Mays (50), House Amendment No. 1 was adopted.

Representative Mays (50) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 52, by inserting after the word "rights-of-way" the following: "**including its poles, conduits, ducts and similar support structures**".

On motion of Representative Mays (50), House Amendment No. 2 was adopted.

On motion of Representative Mays (50), **HCS HB 620, as amended,** was adopted.

On motion of Representative Mays (50), **HCS HB 620, as amended,** was ordered perfected and printed.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 232** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 16** - Miscellaneous Bills and Resolutions

**HCR 17** - Miscellaneous Bills and Resolutions

**HCR 18** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolutions were referred to the Committee indicated:

**HJR 15** - Elections

**HJR 19** - Transportation

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 505** - Consumer Protection

**HB 506** - Consumer Protection

**HB 519** - Professional Registration and Licensing

**HB 605** - Consumer Protection

**HB 695** - Consumer Protection

**HB 760** - Local Government and Related Matters

**HB 761** - Local Government and Related Matters

**HB 762** - Public Health and Safety

**HB 763** - Local Government and Related Matters

**HB 764** - Governmental Organization and Review

**HB 765** - Motor Vehicle and Traffic Regulations

**HB 766** - Banks and Financial Institutions

**HB 767** - Governmental Organization and Review

**HB 768** - Local Government and Related Matters

**HB 769** - Motor Vehicle and Traffic Regulations

**HB 770** - Motor Vehicle and Traffic Regulations

**HB 771** - Local Government and Related Matters

**HB 772** - Transportation

**HB 773** - Motor Vehicle and Traffic Regulations

**HB 774** - Utilities Regulation

**HB 775** - Children, Youth and Families

**HB 776** - Motor Vehicle and Traffic Regulations

**HB 777** - Criminal Law

**HB 778** - Motor Vehicle and Traffic Regulations

**HB 779** - Elections

**HB 780** - Civil and Administrative Law

**HB 781** - Judiciary

**HB 782** - Critical Issues

**HB 783** - Motor Vehicle and Traffic Regulations

**HB 784** - Consumer Protection

**HB 785** - Education - Elementary and Secondary

**HB 786** - Education - Higher

**HB 787** - Education - Elementary and Secondary

**HB 788** - Local Government and Related Matters

**HB 789** - Children, Youth and Families

**HB 790** - Professional Registration and Licensing

**HB 791** - Civil and Administrative Law

**HB 792** - Ways and Means

**HB 793** - Insurance

**HB 794** - Municipal Corporations

**HB 796** - Ways and Means

**HB 797** - Education - Elementary and Secondary

**RE-REFERRAL OF HOUSE BILLS**

The following House Bills were re-referred to the Committee indicated:

**HB 524** - Education - Higher

**HB 117** - Retirement

**COMMITTEE REPORT**

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 40**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 798**, introduced by Representatives McLuckie and Kennedy, relating to elections.

**HB 799**, introduced by Representatives Ridgeway, Cierpiot and Reinhart, relating to unemployment benefits for professional athletic event staff.

**HB 800**, introduced by Representative Gross, relating to the regulation of the sale of bedding.

**HB 801**, introduced by Representative Mays (50), relating to retail electric energy competition.

**HB 802**, introduced by Representatives Gratz and Vogel, to authorize the conveyance of certain real property in Jefferson City to the St. Louis Health Care Network.

**HB 803**, introduced by Representative Gratz, et al, relating to funeral processions.

**HB 804**, introduced by Representative Murphy, relating to wrongful termination of insurance agents.

**HB 805**, introduced by Representatives Townley and Froelker, relating to jails.

**HB 806**, introduced by Representative Shear, et al, relating to practicing civil disorder.

**WITHDRAWAL OF HOUSE BILLS**

February 20, 1997

The Honorable Steve Gaw

Speaker of the House

State Capitol Building

Jefferson City, Missouri 65101

Re: House Bill 656

Dear Mr. Speaker:

I am writing to respectfully request that HB 656 be withdrawn.

Thank you for your assistance.

Respectfully submitted,

/s/ Brian May

February 19, 1997

The Honorable Steve Gaw

Speaker of the House

Capitol Building, Room 308

Jefferson City, Missouri 65101

Dear Mr. Speaker:

I respectfully request that House Bill 525 be withdrawn from further consideration. Thank you for your consideration in this matter.

Respectfully submitted,

/s/ Fred Pouche

State Representative

District 30

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, March 4, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-First Day, Thursday, February 27, 1997, page 471, after line 9, by inserting the following:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 59**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Page 465, by deleting line 17 and inserting in lieu thereof the following:

**HB 744** - Judiciary

Page 458, roll call, by showing Representatives Gross, Kelley (47), Kelly (27) and Thomason (163) voting "aye" rather than "absent with leave".

Page 463, roll call, by showing Representatives Loudon, Kelly (27) and Richardson voting "no" rather than "absent with leave".

Page 468, by deleting lines 11 through 13 and inserting in lieu thereof the following:

Mr. Speaker: your Committee on Critical Issues, to which was referred **HB 600** and **HB 388**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**COMMITTEE MEETINGS**

ADHOC COMMITTEE ON ADMIN. RULES (H)

Tuesday, March 4, 1997, 8:00 pm. Hearing Rooms 3 & 4. Review of Supreme Court Cause 78628. AMENDED NOTICE

BUDGET

Tuesday, March 4, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 9, HB 11

BUDGET

Tuesday, March 4, 1997. Hearing Room 9 upon morning adjournment. Possible executive session.

To be considered - HB 9, HB 11, HB 12

BUDGET

Wednesday, March 5, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 11, HB 12, HB 10

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 5, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 126, Executive Session - HB 540,

Executive Session - HB 57

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 665, HB 718

CIVIL AND ADMINISTRATIVE LAW

Tuesday, March 4, 1997. House Chamber upon morning adjournment.

To be considered - Executive Session - HB 474, Executive Session - HB 333,

Executive Session - HB 279

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 5, 1997, 8:30 am. Hearing Room 5. Executive session to follow.

To be considered - HB 791

CONSUMER PROTECTION

Tuesday, March 4, 1997, 8:00 pm. Hearing Room 1. Executive session will follow.

To be considered - HB 713

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, March 4, 1997. Hearing Room 5 upon morning adjournment.

To be considered - HB 325, HB 683, HB 722, HB 625

CRIMINAL LAW

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 591, HB 649, HB 697, HB 321, HB 545, HB 514, HB 154,

HB 412

CRIMINAL LAW

Thursday, March 6, 1997, 9:00 am. Hearing Rooms 3 and 4. Executive session to follow.

To be considered - HB 738

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 4, 1997, 2:00 pm. Hearing Room 8. Executive session on Consent Bills. AMENDED NOTICE

To be considered - HB 521, HB 457, HB 628, HB 604, HB 662, HB 797

EDUCATION - HIGHER

Wednesday, March 5, 1997. Hearing Room 8 upon morning adjournment.

Executive session.

To be considered - HB 35, HB 46, HB 704, HB 686

ELECTIONS

Tuesday, March 4, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 696, HB 681, HB 469, HJR 16

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 5, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

To be considered - HB 730

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 4, 1997, 3:00 pm. Hearing Room 4. Executive session may follow.

To be considered - HB 710, HB 689, HB 323, HB 653, HB 658, HB 659, HB 711,

HB 402

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 4, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 679, HB 680, HB 708, HB 715

MUNICIPAL CORPORATIONS

Wednesday, March 5, 1997. Hearing Room 7 upon morning adjournment.

Executive session. AMENDED NOTICE

PROFESSIONAL REGISTRATION & LICENSING

Thursday, March 6, 1997, 9:30 am. Room 401. Executive session. There will be no regularly scheduled hearing on Wednesday night.

PUBLIC HEALTH AND SAFETY

Tuesday, March 4, 1997, 3:00 pm. Hearing Room 9. Executive session cancelled.

AMENDED NOTICE

To be considered - HB 584, HB 585, HB 635, HB 724, HB 762

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 4, 1997, 8:00 pm. Hearing Room 5

To be considered - HB 705

TRANSPORTATION

Wednesday, March 5, 1997, 1:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 677, HB 692

WAYS AND MEANS

Tuesday, March 4, 1997, 3:00 pm. Hearing Room 1 and 2.

To be considered - HB 293, HB 307, HB 346, HB 483, HB 615, HB 619, HB 638,

HB 647

**HOUSE CALENDAR**

THIRTY-THIRD DAY, TUESDAY, MARCH 4, 1997

**HOUSE BILLS FOR SECOND READING**

HB 798 through HB 806

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 1 - Hosmer

HJR 2 - Kreider

HCS HJR 9 - Lumpe

HJR 11 - Leake

**HOUSE BILLS FOR PERFECTION**

1 HB 390 - Hoppe

2 HCS HB 450 - Green

3 HCS HB 361 - May (108)

4 HCS HB 495 - Backer

5 HCS HB 589 - Rizzo

6 HCS HB 212 - Treadway

7 HCS HB 424 & 534 - Crump

8 HCS HB 529 - Crump

9 HCS HB 335 - Harlan

10 HB 339, HCA 1 - Kreider

11 HCS HB 600 & 388 - Carter

12 HB 193 - Auer

13 HCS HB 528 - Wiggins

14 HCS HB 100 - Williams (121)

15 HCS HB 493 & 39 - Farnen

16 HCS HB 426, 576 & 567 - Luetkenhaus

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 3, 1997)

1 HB 59 - Hosmer

2 HB 172 - Leake

3 HB 327 - McBride

4 HB 633 - Copeland

5 HB 150 - Gaskill

6 HB 626 - Liese

7 HB 387 - Smith

8 HB 319 - Fritts

9 HB 244 - Hosmer

10 HB 95 - Long

11 HB 651 - Schilling

12 HB 300 - Barry

13 HB 104 - Bonner

14 HB 250 - Graham (106)

15 HB 309 - Treadway

16 HB 610 - Hosmer

17 HB 265 - Richardson

18 HB 88 - Smith

19 HB 520 - Green

20 HB 213 - Treadway

21 HB 438 - Fritts

22 HB 207 - Koller

23 HB 123 - Howerton

24 HB 566 - Treadway

**HOUSE BILLS FOR THIRD READING**

HB 32 - Bland

HB 34, (Budget 2-27-97) - Bland

HB 354 - Murray

HCS HB 87 & 264 - Kreider

HB 259 - Liese

HB 342 - Lumpe

HCS HB 356, (Budget 2-27-97) - Skaggs

HCS HB 538, (Budget 2-27-97) - Scheve

**HOUSE CONCURRENT RESOLUTIONS**

HCR 12, (2-27-97, pgs. 468-470) - Cooper

HCR 4, HCA 1 (2-27-97, pgs. 473-475) - Burton

HCR 13, (2-27-97, pgs. 471, 472) - Boucher

HCR 10, (2-27-97, pgs. 475, 476) - Burton

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-THIRD DAY, Tuesday, March 4, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

We take these few moments of quiet, Gracious God, to say thank you for another day of life. Throughout this city, state, nation and world, there are those who live in the uncertainties of life - because of illness, war, hunger, domestic violence, abuse. Let us never forget, in the midst of our blessings, those who struggle for life.

We live in a country, Lord, where we have many freedoms that are taken for granted. Remind us of the responsibilities that accompany those freedoms - responsibilities of fairness and justice, of truth and knowledge, and help these gathered here be the kind of leaders who seek their guidance from you and who are continually held accountable by their conscience. And now, may you grant this state's representatives the blessings of an honest day's work. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brandon Brewer, Tiffany Crawford, Robert Fry, Michael Hughes, Stephen Lavely, Ryan Little, Jerri Ann Roberts, George Robinson, Tasha Walker, Glen Wilson, Janice Monat, Greg Burle, Allison Irwin, Mark Beck, Aaron Black, Andrea Jenkins, Ryan Olliges, Christina Bowman, Ellen Raczkiewicz, Heather Schoenwalder, Patricia Meier, Nickki Najbart, Erin Rogaczewski and Julie Tichacek.

The Journal of the thirty-second day was approved as printed by the following vote:

AYES: 145

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor Ostmann Overschmidt Parker
Patek Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Seigfreid Shear Sheldon 104 Shields
Skaggs Smith Steen Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Carter Farmer Ford Goward
Gunn Hand Kennedy O'Toole Pouche
Scott Secrest Shelton 57 Stokan Troupe
Wannenmacher

VACANCIES: 002

**RESOLUTIONS**

Representative Foley offered House Resolution No. 333, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scott offered House Resolution No. 334, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scott offered House Resolution No. 335, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 336, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Riback Wilson offered House Resolution No. 337, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Legan offered House Resolution No. 338, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shear, et al, offered House Resolution No. 339, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representativr Crump, et al, offered House Resolution No. 340.

Representative Bennett offered House Resolution No. 341, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTIONS**

Representative Green offered House Concurrent Resolution No. 21.

Representative Champion offered House Concurrent Resolution No. 22.

**SECOND READING OF HOUSE BILLS**

**HB 798** through **HB 806** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 87** and **264**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 630**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 630** - Budget (Fiscal Note)

Speaker Pro Tem Kreider assumed the Chair.

**PERFECTION OF HOUSE JOINT RESOLUTIONS**

**HCS HJR 1**, relating to forfeiture proceeds, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS HJR 1** was adopted.

On motion of Representative Hosmer, **HCS HJR 1** was ordered perfected and printed.

**HJR 11**, relating to bonds for sewer plants, was taken up by Representative Leake.

On motion of Representative Leake, **HJR 11** was ordered perfected and printed.

**HOUSE CONCURRENT RESOLUTIONS**

**HCR 12**, relating to ozone transport assessment group, was taken up by Representative Cooper.

On motion of Representative Cooper, **HCR 12** was adopted.

**HCR 4, with House Committee Amendment No. 1**, relating to transmission of electric energy, was taken up by Representative Burton.

On motion of Representative Burton, House Committee Amendment No. 1 was adopted.

On motion of Representative Burton, **HCR 4, as amended,** was adopted.

**HCR 13**, relating to residential building contractors, was taken up by Representative Boucher.

Representative Gross offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Concurrent Resolution No. 13, Page 472 of the House Journal of the Thirty-First Day, Line 4 of said page, by inserting after the word: "Assembly" the following: **. No more than three members of the House and three members of the Senate shall be from the same political party**; and

On motion of Representative Gross, House Amendment No. 1 was adopted.

Representative Elliott offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Concurrent Resolution No. 13, Page 1, by amending the first paragraph after the word residences; by inserting the following:

The study will be confined to only a 1st class county with a city that exceeds a population of four hundred thousand.

Representative Lograsso offered House Substitute Amendment No. 1 for House Amendment No. 2.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Concurrent Resolution No. 13, Page 1, 1st paragraph - after the word residences; by inserting the following :

The study will be confined to all counties except a 1st class county with a city that exceeds a population of four hundred thousand.

Representative Lograsso moved that House Substitute Amendment No. 1 for House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Elliott moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:

AYES: 055

Akin Alter Ballard Barnett 4 Bartelsmeyer

Berkstresser Boatright Burton Champion Chrismer

Cierpiot Crawford Dolan Elliott Foster

Froelker Gaskill Gaston Gibbons Graham 106

Gratz Griesheimer Hegeman Hohulin Howerton

Kasten Legan Linton Long Loudon

Marble McBride McClelland Miller Naeger

Nordwald Ostmann Parker Patek Pryor

Purgason Reinhart Richardson Ridgeway Robirds

Sallee Schwab Shields Steen Summers

Surface Tate Townley Vogel Williams 159

NOES: 084

Backer Barry 100 Bauer Bennett 15 Bland

Bonner Boucher Bray 84 Broach Campbell

Clayton Cooper Copeland Daniels 41 Davis 63

Davis 122 Days Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Fitzwater Foley

Franklin Fritts Graham 24 Green Gross

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Johnson Kauffman Kelley 47

Kelly 27 Kissell Kreider Lakin Lawson

Leake Levin Lograsso Luetkenhaus Lumpe

May 108 Mays 50 McLuckie Monaco Murphy

Murray O'Connor Overschmidt Ransdall Relford

Reynolds Rizzo Ross Scheve Schilling

Shear Skaggs Smith Stoll Stroker

Thomason 163 Thompson 37 Treadway Van Zandt Wiggins

Williams 121 Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 022

Auer Carter Crump Daniel 42 Farmer

Ford Goward Gunn Hand Kennedy

Koller Liese O'Toole Pouche Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Stokan

Troupe Wannenmacher

VACANCIES: 002

**HCR 13, as amended,** was laid over informally.

**HCR 10**, relating to telecommunications services and energy services, was taken up by Representative Burton.

On motion of Representative Burton, **HCR 10** was adopted.

**COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 283**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 700**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 12**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 474**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 379**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 376**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 471**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Section 660.100, Page 2, Lines 15-17 by striking all of said lines and inserting in lieu thereof the following: "**(2) Such household is also determined to be eligible for assistance pursuant to:**

**(a) The federal low income home energy assistance program, as long as such program remains in effect; or**

**(b) Any other related state program of the department of social services.**";

Further amend Section 660.115, Page 3, Lines 14-23 by striking all of said lines and inserting in lieu thereof the following: "exceeding one hundred fifty dollars for [the covered months] **each fiscal year** may be paid [to] **from the utilicare stabilization fund to the primary or secondary heating source supplier, including** suppliers of heating fuels**, whether or** not delivered on a monthly basis, such as **gas, electricity,** wood, coal, propane, and heating oil. **For each eligible household, an amount not to exceed one hundred fifty dollars for each fiscal year may be paid from the utilicare stabilization fund to the primary or secondary cooling source supplier. Notwithstanding any other provision of sections 660.100 to 660.135 to the**";

Further amend Section 660.115, page 4, Line 33 by striking the words "in three monthly payments,";

Further amend Section 660.122, Page 5, Lines 29-34 after the word "rule" by striking all of said lines and inserting in lieu thereof the following: "**with the terms of such cold weather rule. All home energy suppliers receiving funds under this section shall provide service to eligible households consistent with their contractual agreements with the department of social services.** Notwithstanding the above, the division of";

Further amend the title and enacting clause accordingly.

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 673**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 761** - Elections

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 807**, introduced by Representative Monaco, et al, relating to assault.

**HB 808**, introduced by Representative Riback Wilson, et al, relating to the disclosure of employment information.

**MESSAGE FROM THE GOVERNOR**

Office of the Governor

State of Missouri

March 4, 1997

TO THE CHIEF CLERK OF THE

HOUSE OF REPRESENTATIVES

89TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you House Bill No. 14 entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1997.

On March 4, 1997, I approved said House Bill No. 14.

Respectfully submitted,

/s/ Mel Carnahan

The following members' presence were noted: Representatives Wannenmacher and Kennedy.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, March 5, 1997.

**COMMITTEE MEETINGS**

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, March 5, 1997, 1:00 pm. Hearing Room 9. Executive session.

To be considered - HB 766, HJR 18

BUDGET

Wednesday, March 5, 1997, 8:30 am. Hearing Room 9. Possible executive session.

AMENDED NOTICE

To be considered - HB 12, HB 10, HB 34, HB 538

BUDGET

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 10, HB 12

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 5, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 126, Executive Session - HB 540,

Executive Session - HB 57

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 8. AMENDED NOTICE

To be considered - HB 665, HB 718, HB 789, HB 775

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 5, 1997, 8:30 am. Hearing Room 5. Executive session to follow.

AMENDED NOTICE

To be considered - HB 791, HB 672

COMMERCE

Wednesday, March 5, 1997, 1:00 pm. Hearing Rooms 1 and 2. Executive session may follow.

To be considered - HB 698, HB 613

CRIMINAL LAW

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 591, HB 649, HB 697, HB 321, HB 545, HB 514, HB 154, HB 412

CRIMINAL LAW

Thursday, March 6, 1997, 9:00 am. Hearing Rooms 3 and 4. Executive session to follow.

To be considered - HB 738

EDUCATION - HIGHER

Wednesday, March 5, 1997. Hearing Room 8 upon morning adjournment. Executive session.

To be considered - HB 35, HB 46, HB 704, HB 686

ETHICS

Thursday, March 6, 1997. Side gallery upon morning adjournment. CANCELLED

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 5, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

To be considered - HB 730

INSURANCE

Thursday, March 6, 1997, 8:00 am. Hearing Room 8. Executive session to follow.

Consideration for any bills previously heard.

To be considered - HB 622, HB 793

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 6, 1997, 9:00 am. Hearing Room 7. Oversight audit report

child care facilities licensing.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 6, 1997, 9:15 am. Hearing Room 7. Contested fiscal notes.

To be considered - HB 663, SB 245

JUDICIARY

Thursday, March 6, 1997, 9:00 am. Hearing Room 1. Executive session.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Wednesday, March 5, 1997. Hearing Room 7 upon afternoon adjournment.

Executive session.

MUNICIPAL CORPORATIONS

Wednesday, March 5, 1997. Hearing Room 7 upon morning adjournment.

Executive session. AMENDED NOTICE

PROFESSIONAL REGISTRATION & LICENSING

Thursday, March 6, 1997, 9:30 am. Room 401. Executive session. There will be no regularly scheduled hearing on Wednesday night.

PUBLIC HEALTH AND SAFETY

Thursday, March 6, 1997, 9:00 am. Hearing Room 2.

To be considered - Executive Session - HB 106, Executive Session - HB 320, Executive Session - HB 329, Executive Session - HB 585, Executive Session - HB 601, Executive Session - HB 635, Executive Session - HB 643, Executive Session - HB 724

RETIREMENT

Wednesday, March 5, 1997, 8:00 pm. Hearing Room 2

To be considered - HB 117, HB 735

TRANSPORTATION

Wednesday, March 5, 1997, 1:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HB 677, HB 692

**HOUSE CALENDAR**

THIRTY-FOURTH DAY, WEDNESDAY, MARCH 4, 1997

**HOUSE BILLS FOR SECOND READING**

HB 807 through HB 808

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 2 - Kreider

HCS HJR 9 - Lumpe

**HOUSE BILLS FOR PERFECTION**

1 HB 390 - Hoppe

2 HCS HB 450 - Green

3 HCS HB 361 - May (108)

4 HCS HB 495 - Backer

5 HCS HB 589 - Rizzo

6 HCS HB 212 - Treadway

7 HCS HB 424 & 534 - Crump

8 HCS HB 529 - Crump

9 HCS HB 335 - Harlan

10 HB 339, HCA 1 - Kreider

11 HCS HB 600 & 388 - Carter

12 HB 193 - Auer

13 HCS HB 528 - Wiggins

14 HCS HB 100 - Williams (121)

15 HCS HB 493 & 39 - Farnen

16 HCS HB 426, 576 & 567 - Luetkenhaus

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 3, 1997)

1 HB 59 - Hosmer

2 HB 172 - Leake

3 HB 327 - McBride

4 HB 633 - Copeland

5 HB 150 - Gaskill

6 HB 626 - Liese

7 HB 387 - Smith

8 HB 319 - Fritts

9 HB 244 - Hosmer

10 HB 95 - Long

11 HB 651 - Schilling

12 HB 300 - Barry

13 HB 104 - Bonner

14 HB 250 - Graham (106)

15 HB 309 - Treadway

16 HB 610 - Hosmer

17 HB 265 - Richardson

18 HB 88 - Smith

19 HB 520 - Green

20 HB 213 - Treadway

21 HB 438 - Fritts

22 HB 207 - Koller

23 HB 123 - Howerton

24 HB 566 - Treadway

**HOUSE BILLS FOR THIRD READING**

1 HB 32 - Bland

2 HB 34 - (Budget 2-27-97) - Bland

3 HB 354 - Murray

4 HCS HB 87 & 264 - Kreider

5 HB 259 - Liese

6 HB 342 - Lumpe

7 HCS HB 356 - (Budget 3-3-97) - Skaggs

8 HCS HB 538 - (Budget 3-3-97) - Scheve

9 HCS HB 114 - Thompson (37)

10 HB 630 - (Budget 3-4-97) - Boucher

11 HCS HB 620 - Mays (50)

**HOUSE CONCURRENT RESOLUTION**

HCR 13, as amended (2-27-97, pgs. 471, 472, laid over informally) - Boucher

**HOUSE RESOLUTIONS**

HR 69 - (2-5-97, pg. 258) - Hosmer

HR 124 - (2-5-97, pg. 259) - Liese

HR 147 - (2-19-97 pg. 355) - Backer

HR 166 - (2-19-97 pg. 355) - Williams (121)

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

THIRTY-FOURTH DAY, Wednesday, March 5, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

From the Committee on Natural and Economic Resources to Transportation to Ways and Means, these representatives' lives are filled with meetings and agendas, numbers and bills and amendments, and on and on. Somewhere in the big middle of all of that is the person -- the representative who has been elected to speak for the people of his or her district. Whether Democrat or Republican, those individuals need your guidance, O God of all goodness...guidance on what they do in their offices, the hallways and in this room...guidance as they do the business of the state of Missouri.

Grant that today, Loving God, the issues will seem a little clearer, the decisions stand a little firmer, and the cooperation work a little better, as these folks serve the people of Missouri. And grant the leaders of this body your wisdom as they guide the proceedings of this day. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Sara McReynolds, Rose Rowden, Monica Nance, Charity Hunter, Jeff Edwards, Doug Harmes, Amy White, Jenny Nixon, Jessica Otto, Zeth Otto, Trent Otto, David Lavender, Carrie Furay, Katherine Rodi, Jessica Brown and Dev Bala.

The Journal of the thirty-third day was approved as corrected.

**RESOLUTIONS**

Representative Hosmer offered House Resolution No. 342, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Thomason (163) offered House Resolution No. 343, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Thomason (163) offered House Resolution No. 344, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Scheve offered House Concurrent Resolution No. 23.

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 23** - Utilities Regulation

**SECOND READING OF HOUSE BILLS**

**HB 807** and **HB 808** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 114** and **HCS HB 620**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**PERFECTION OF HOUSE BILL**

**HB 390**, relating to ambulance services, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HB 390**.

Representative Scheve offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 390, Page 1, Section 1, Line 1, by adding the following:

No sponsor of this legislation shall promote the same by appearing on national television.

Representative Scheve moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Foley offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 390, Page 9, Section 190.060, Line 20 of said page, by inserting after all of said line the following:

"**5. After August 28, 1997, ambulance districts or boards may contract for ambulance service to a private company only if a majority of the voters voting within the ambulance district upon such a proposal vote to authorize such proposal at a public election. Any ambulance district that has a contract with a private company to provide ambulance service before August 28, 1997, may maintain such contracted service with**

**any private company to provide such services. The ballot of submission shall be in substantially the following form:**

**Shall the ambulance district of ..... (insert the name of the ambulance district) be authorized to contract for the provision of ambulance service by a private company?**

**Yes No**

**If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the ambulance district or board shall have no power to contract for the provision of ambulance service by a private company.**".

On motion of Representative Foley, House Amendment No. 2 was adopted by the following vote:

AYES: 077

Auer Backer Barry 100 Bauer Bland

Bonner Bray 84 Carter Clayton Cooper

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days Donovan Dougherty Edwards-Pavia Farmer

Farnen Fitzwater Foley Franklin Fritts

Goward Graham 24 Gratz Green Griesheimer

Hagan-Harrell Harlan Heckemeyer Hollingsworth Hosmer

Johnson Kelly 27 Kennedy Kreider Lakin

Lawson Leake Levin Liese Luetkenhaus

Lumpe May 108 Mays 50 McBride McLuckie

Monaco Murray O'Connor O'Toole Overschmidt

Parker Pouche Ransdall Relford Reynolds

Rizzo Scheve Schilling Seigfreid Shear

Sheldon 104 Smith Stokan Stoll Stroker

Tate Treadway Van Zandt Wannenmacher Williams 121

Wilson Mr. Speaker

NOES: 071

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Boucher Broach

Burton Campbell Champion Chrismer Cierpiot

Copeland Crawford Dolan Elliott Enz

Evans Foster Gaskill Gaston Gibbons

Graham 106 Gross Hall Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Hoppe

Howerton Kasten Kauffman Kelley 47 Koller

Legan Linton Lograsso Long Loudon

Marble McClelland Miller Murphy Naeger

Nordwald Ostmann Patek Pryor Purgason

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Shelton 57 Shields

Skaggs Steen Summers Surface Thomason 163

Wooten

PRESENT: 000

ABSENT WITH LEAVE: 013

Ford Froelker Gunn Hand Hickey

Kissell Secrest Thompson 37 Townley Troupe

Vogel Wiggins Williams 159

VACANCIES: 002

Representative Leake offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 390, Page 79, Section 190.247, Line 12, by inserting after all of said line the following:

"**Section l. There is hereby established within the department of public safety the "Committee for 911 Service Oversight" which is charged with assisting the state in the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training and education. The committee for 911 service oversight shall represent all entities and jurisdictions before appropriate policy making authorities and the state legislative body and shall strive toward the immediate access to emergency public safety services for all citizens of this state.**

**Section 2. 1. The committee for 911 service oversight shall consist of fourteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote amongst the other members, and the other members to be selected as follows:**

**(1) One member chosen to represent the Missouri Association of Counties;**

**(2) One member chosen to represent the Missouri public service commission;**

**(3) One member chosen to represent emergency medical services;**

**(4) One member chosen to represent the Missouri chapter of the National Emergency Number Association;**

**(5) One member chosen to represent the Fire Chiefs Association;**

**(6) One member chosen to represent the Missouri chapter of the Association of Public-Safety Communications Officers;**

**(7) One member chosen to represent the Police Chiefs Association;**

**(8) One member chosen to represent the Missouri municipal league;**

**(9) One member chosen to represent the Missouri Sheriff's Association;**

**(10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;**

**(11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;**

**(12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri; and**

**(13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri.**

**2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years and each member of the committee may serve multiple terms.**

**3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the committee.**

**4. The committee for 911 service oversight shall:**

**(1) Organize and adopt standards governing the committee's formal and informal procedures;**

**(2) Provide recommendations to public safety answering points and secondary public safety answering points on statewide technical and operational standards for public safety answering points and secondary public safety answering points;**

**(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;**

**(4) Provide mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services;**

**(5) Provide assistance to the governor and the legislature with inquiries regarding 911 services;**

**(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;**

**(7) Aid and assist in the timely collection and dissemination of information relating to a universal emergency telephone number; and**

**(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state.**

**5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to this section and section 1 of this act.**".

On motion of Representative Leake, House Amendment No. 3 was adopted.

Representative May (108) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Bill No. 390, Page 27, Section 190.105.5, Line 17, by adding at the end of said line the following:

"**Under no circumstance, however, should laws, ordinances or regulations ever establish standards that are below state standards.**"

On motion of Representative May (108), House Amendment No. 4 was adopted.

Representative Bauer offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Bill 390, Page 31, Section 190.105, Line 9, by inserting the following new section:

"(17) Notwithstanding anything in Sections 190.001 to 190.245 to the contrary, no political subdivision shall require an ambulance service to obtain or maintain a franchise or contract to provide non-emergency ambulance services or otherwise enact laws or promulgate regulations related to providing, selecting or contracting for non-emergency ambulance services if such political subdivision is a city not within a county or located within a county surrounding a city not within a county."

Further amend the title and enacting clause accordingly.

Representative Dougherty assumed the Chair.

Representative Kreider resumed the Chair.

Representative Bauer moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 051

Akin Ballard Bauer Carter Champion

Clayton Copeland Crawford Crump Davis 63

Davis 122 Donovan Dougherty Enz Farmer

Gibbons Goward Graham 106 Hendrickson Holand

Kasten Kelley 47 Kennedy Leake Legan

Levin Liese Loudon May 108 McBride

McClelland Murphy Murray O'Toole Ransdall

Richardson Robirds Sallee Scheve Schwab

Scott Shear Shelton 57 Skaggs Smith

Stokan Thomason 163 Wannenmacher Wiggins Wilson

Wooten

NOES: 090

Alter Backer Barnett 4 Barry 100 Bartelsmeyer
Bennett 15 Berkstresser Bland Boatright Bonner
Boucher Broach Burton Campbell Chrismer
Cierpiot Cooper Days Dolan Edwards-Pavia
Elliott Evans Farnen Fitzwater Foley
Foster Franklin Fritts Gaskill Gaston
Graham 24 Gratz Green Griesheimer Gross
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hohulin Hollingsworth Hoppe
Hosmer Howerton Johnson Kauffman Kelly 27
Koller Kreider Lawson Linton Lograsso
Lumpe Marble Mays 50 McLuckie Miller
Monaco Naeger Nordwald O'Connor Overschmidt
Parker Patek Pouche Pryor Purgason
Reinhart Relford Reynolds Ridgeway Rizzo
Ross Seigfreid Sheldon 104 Shields Steen
Stoll Stroker Summers Surface Tate
Treadway Van Zandt Vogel Williams 121 Mr. Speaker

PRESENT: 001

Schilling

ABSENT WITH LEAVE: 019

Auer Bray 84 Daniel 42 Daniels 41 Ford
Froelker Gunn Hand Hickey Kissell
Lakin Long Luetkenhaus Ostmann Secrest
Thompson 37 Townley Troupe Williams 159

VACANCIES: 002

**HB 390, with HS, as amended, pending,** was laid over.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

**RESOLUTIONS**

Representative Gratz offered House Resolution No. 345.

Representatives Ross and Lograsso offered House Resolution No. 346, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 347, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution No. 348, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Troupe offered House Resolution No. 349, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Troupe offered House Resolution No. 350, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 122

Akin Alter Auer Backer Ballard

Bartelsmeyer Bauer Bennett 15 Berkstresser Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Edwards-Pavia Elliott

Enz Evans Farnen Foley Foster

Franklin Fritts Gaskill Gaston Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Hoppe Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor Overschmidt Parker Patek

Pouche Pryor Purgason Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Schwab Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Steen Stokan Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Van Zandt Wannenmacher Wiggins Williams 121
Wooten Mr. Speaker

ABSENT WITH LEAVE: 039

Barnett 4 Barry 100 Bland Boatright Bonner
Bray 84 Crump Dougherty Farmer Fitzwater
Ford Froelker Gibbons Gunn Hagan-Harrell
Hall Hand Hickey Holand Hollingsworth
Hosmer Kreider McLuckie O'Toole Ostmann
Ransdall Sallee Scheve Schilling Scott
Secrest Shear Smith Stoll Thompson 37
Troupe Vogel Williams 159 Wilson

VACANCIES: 002

**THIRD READING OF HOUSE BILLS**

**HB 32**, relating to essential community providers, was taken up by Representative Bland.

On motion of Representative Bland, **HB 32** was read the third time and passed by the following vote:

AYES: 086

Backer Barry 100 Bauer Bland Bonner
Boucher Bray 84 Campbell Carter Clayton
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Donovan Farmer Farnen
Fitzwater Foley Ford Franklin Fritts
Goward Graham 24 Gratz Green Griesheimer
Hagan-Harrell Harlan Hartzler 123 Heckemeyer Holand
Hollingsworth Hoppe Hosmer Johnson Kelly 27
Kennedy Kissell Koller Kreider Lakin
Leake Liese Luetkenhaus Lumpe May 108
Mays 50 McBride McLuckie Monaco Murphy
Murray Naeger O'Toole Overschmidt Parker
Ransdall Relford Reynolds Rizzo Robirds
Ross Scheve Schilling Seigfreid Shear
Sheldon 104 Shelton 57 Skaggs Smith Stokan
Stoll Stroker Summers Tate Thomason 163
Thompson 37 Van Zandt Wiggins Williams 121 Wilson
Mr. Speaker

NOES: 066

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Edwards-Pavia Elliott Enz Evans
Foster Gaskill Gaston Gibbons Graham 106
Gross Hall Hartzler 124 Hegeman Hendrickson
Hohulin Howerton Kasten Kauffman Kelley 47
Lawson Legan Levin Linton Lograsso
Long Loudon Marble McClelland Miller
Nordwald O'Connor Ostmann Patek Pouche
Pryor Purgason Reinhart Richardson Ridgeway
Sallee Schwab Scott Shields Steen
Surface Townley Treadway Vogel Wannenmacher
Wooten

PRESENT: 001

Auer

ABSENT WITH LEAVE: 008

Dougherty Froelker Gunn Hand Hickey
Secrest Troupe Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Farmer moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**HB 354**, relating to municipal protection, was taken up by Representative Murray.

Representative Murray moved that **HB 354** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 077

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Campbell Carter
Cierpiot Clayton Copeland Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days Donovan
Farmer Farnen Fitzwater Ford Franklin
Goward Graham 24 Gratz Green Hagan-Harrell
Harlan Heckemeyer Hollingsworth Hoppe Hosmer
Johnson Kelly 27 Kennedy Kissell Koller
Kreider Lakin Leake Levin Liese
Luetkenhaus Lumpe May 108 Mays 50 McLuckie
Monaco Murray O'Connor O'Toole Relford
Reynolds Ridgeway Rizzo Ross Scheve
Schilling Shear Sheldon 104 Shelton 57 Skaggs
Smith Stokan Stoll Stroker Tate
Thompson 37 Treadway Van Zandt Wiggins Williams 121
Wilson Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cooper Crawford Dolan
Edwards-Pavia Elliott Enz Evans Foley
Foster Fritts Gaskill Gaston Gibbons
Graham 106 Griesheimer Gross Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Holand
Howerton Kasten Kauffman Kelley 47 Lawson
Legan Linton Lograsso Long Loudon
Marble McBride McClelland Miller Murphy
Naeger Nordwald Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Richardson Robirds Sallee Schwab
Scott Seigfreid Shields Steen Summers
Surface Thomason 163 Townley Vogel Wannenmacher
Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Dougherty Froelker Gunn Hand Hickey

Secrest Troupe Williams 159

VACANCIES: 002

**HCS HBs 87 and 264**, relating to county building codes, was taken up by Representative Kreider.

On motion of Representative Kreider, **HCS HBs 87 and 264** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days Dolan Donovan

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Shear Sheldon 104 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 011

Dougherty Ford Froelker Gunn Hand
Hickey Secrest Shelton 57 Thompson 37 Troupe
Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**HB 259**, relating to life insurance, was taken up by Representative Liese.

On motion of Representative Liese, **HB 259** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Davis 122 Days Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Gaskill Gaston Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schwab

Scott Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Wilson

Wooten Mr. Speaker

NOES: 002

Loudon Patek

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniels 41 Dougherty Ford Froelker Gibbons

Gunn Hand Hickey Schilling Secrest

Troupe Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Bauer, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 342**, relating to federal reimbursement allowance, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 342** was read the third time and passed by the following vote:

AYES: 136

Alter Auer Backer Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Bland Boatright
Bonner Boucher Bray 84 Burton Campbell
Carter Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Davis 122 Days Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Gaskill Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Lograsso Long Loudon Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Ransdall
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Scheve Schilling Schwab
Scott Seigfreid Shear Sheldon 104 Shelton 57
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Wilson Wooten
Mr. Speaker

NOES: 013

Akin Ballard Berkstresser Champion Gaston
Hall Hohulin Levin Linton Marble
Purgason Reinhart Sallee

PRESENT: 001

Shields

ABSENT WITH LEAVE: 011

Broach Daniels 41 Dougherty Ford Froelker

Gunn Hand Hickey Secrest Troupe

Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 114**, relating to transportation sales tax, was taken up by Representative Thompson (37).

On motion of Representative Thompson (37), **HCS HB 114** was read the third time and passed by the following vote:

AYES: 106

Auer Backer Barry 100 Bauer Bennett 15

Boatright Boucher Bray 84 Burton Campbell

Carter Champion Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days Donovan Farmer Farnen Fitzwater

Foley Ford Franklin Fritts Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Hagan-Harrell Harlan Hartzler 123

Heckemeyer Hollingsworth Hoppe Hosmer Johnson

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Legan

Liese Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Monaco Murray

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Reinhart Relford

Reynolds Rizzo Robirds Ross Sallee

Scheve Schilling Scott Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Wilson Wooten

Mr. Speaker

NOES: 044

Akin Alter Ballard Barnett 4 Bartelsmeyer
Berkstresser Bonner Broach Chrismer Cierpiot
Dolan Edwards-Pavia Elliott Enz Evans
Foster Gaskill Gaston Hall Hartzler 124
Hegeman Hendrickson Hohulin Holand Howerton
Kasten Levin Linton Lograsso Long
Loudon Marble Miller Murphy Naeger
Patek Pryor Purgason Richardson Ridgeway
Schwab Summers Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 011

Bland Daniels 41 Dougherty Froelker Gunn
Hand Hickey Leake Secrest Troupe
Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 620**, relating to telecommunications service, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **HCS HB 620** was read the third time and passed by the following vote:

AYES: 141

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand
Hollingsworth Hoppe Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Koller
Kreider Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schwab Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Mr. Speaker

NOES: 006

Harlan Hosmer Lakin Schilling Wilson
Wooten

PRESENT: 000

ABSENT WITH LEAVE: 014

Daniels 41 Dougherty Froelker Gunn Hand
Hickey Kissell May 108 Scott Secrest
Tate Troupe Williams 121 Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**PERFECTION OF HOUSE BILLS**

**HB 390, with HS, as amended, pending**, relating to ambulance districts, was again taken up by Representative Hoppe.

Representative May (108) offered House Amendment No. 6.

House Amendment No. 6 was withdrawn.

Representative May (108) offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 390, Page 48, Section 190.175. 1. (3), Line 14, by adding at the end of said line the following:

"**(4) or if such data elements are requested by a lawful subpoena or subpoena duces tecum.**"; and

further amend said bill, Section 190.175, Pages 48-49, by deleting all of said subsection.

Representative May (108) moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 023

Bauer Bray 84 Carter Davis 63 Farmer

Fritts Harlan Hosmer Kennedy Lograsso

May 108 Mays 50 McBride McLuckie Ridgeway

Scheve Shelton 57 Smith Stroker Van Zandt

Williams 121 Wilson Mr. Speaker

NOES: 123

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Broach Burton

Campbell Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Daniels 41 Davis 122

Days Dolan Donovan Edwards-Pavia Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hollingsworth Hoppe Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Luetkenhaus Lumpe Marble McClelland

Miller Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Seigfreid Shear Sheldon 104 Shields

Skaggs Steen Stokan Stoll Summers

Surface Tate Thomason 163 Townley Treadway

Vogel Wiggins Wooten

PRESENT: 000

ABSENT WITH LEAVE: 015

Auer Crump Daniel 42 Dougherty Froelker

Gunn Hand Hickey Loudon Monaco

Secrest Thompson 37 Troupe Wannenmacher Williams 159

VACANCIES: 002

On motion of Representative Hoppe, **HS HB 390, as amended,** was adopted.

On motion of Representative Hoppe, **HS HB 390, as amended,** was ordered perfected and printed.

**HCS HB 450**, relating to public construction contracts, was taken up by Representative Green.

Representative Green offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 450, Page 2, Section 8.252, Line 23, by inserting immediately following said line the following language:

"**5. The provisions of this section shall not apply to projects of the state highways and transportation**

**commission.**".

On motion of Representative Green, House Amendment No. 1 was adopted.

Representative Green offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 450, Page 2, Section 8.254, Line 5, by inserting after said line the following:

"**431.200. 1. With respect to contracts or agreements, either public or private, for the design, planning, construction, alteration, repair or maintenance of a building, erection, improvement, structure, highway, highway bridge, road, viaducts, appurtenance, appliance or other work dealing with construction, or for any moving, demolition or excavation connected therewith, every covenant, promise or agreement to indemnify or hold harmless another person for damages, injuries or losses resulting from negligence, omissions or wrongdoing of any person other than the indemnitor and subcontractors and suppliers of any tier performing the work of the indemnitor, is void as against public policy and wholly unenforceable to the extent it requires indemnification of or holds harmless a person for negligence, omissions or wrongdoing of any person other than the indemnitor and subcontractors and suppliers of any tier performing the work of the indemnitor.**

**2. This section does not apply to construction bonds, insurance contracts or agreements, or contractual provisions requiring one party to name another person as an insured, additional insured or additional named insured in any insurance contract or agreement.**

**3. The provisions of this section shall not affect the validity of any agreement or contract provision that places an agreed monetary limitation on a parties liability, as between the contracting parties, for damages caused by one of the parties own negligent or wrongful acts, commonly known as a "limitation of liability clause".**

**4. This section applies only to contracts or agreements entered into after August 28, 1997.**";

And FURTHER AMEND SAID BILL by amending the title and enacting clause accordingly.

Representative Lograsso offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 450, Page 1, Section 431.200, Line 10 of said section, by deleting the word "and" which appears immediately after the word "indemnitor" and inserting in lieu thereof the following: "its employees, agents,"; and

further amend said amendment, Page 2, by deleting the first word on said page ("and") and inserting in lieu thereof the following "its employees, agents,"

On motion of Representative Lograsso, House Amendment No. 1 to House Amendment No. 2 was adopted.

On motion of Representative Green, House Amendment No. 2, as amended, was adopted.

Representative Ostmann offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 450, Page 1, Section 8.252, Lines 15 and 16, by deleting all of said lines; and

further amend on Page 2, Section 8.254, Lines 3 thru 5, by deleting all of said lines.

Representative Green requested a division of the question.

*House Amendment No. 3*

PART I

*AMEND House Bill No. 450, Page 1, Section 8.252, Lines 15 and 16, by deleting all of said lines.; and*

*PART II*

*further amend on Page 2, Section 8.254, Lines 3 thru 5, by deleting all of said lines.*

*On motion of Representative Ostmann, Part I of House Amendment No. 3 was adopted.*

*Representative Akin offered House Amendment No. 1 to Part II of House Amendment No. 3.*

*House Amendment No. 1 to Part II of House Amendment No. 3 was withdrawn.*

*Representative Akin offered House Substitute Amendment No. 1 for Part II of House Amendment No. 3.*

*House Substitute Amendment No. 1*

*for Part II of*

*House Amendment No. 3*

*AMEND House Committee Substitute to House Bill No. 450, Page 1, Line 9, by adding after the word "experience" the words "and performance"; and*

*further amend on Page 2, Line 5, by deleting "of time"; and adding "not to exceed 1 year."*

*On motion of Representative Akin, House Substitute Amendment No. 1 for Part II of House Amendment No. 3 was adopted.*

*Speaker Gaw resumed the Chair.*

*Representative Shields offered House Amendment No. 4.*

*House Amendment No. 4*

*AMEND House Committee Substitute for House Bill No. 450, Page 1, Section 8.252, Line 1, by deleting the words "**, as defined in subdivision (3) of section 8.675, or construction manager, as defined in subdivision (2) of section 8.675,**", and by inserting in lieu thereof the following: "**or construction owner**";*

*And FURTHER AMEND SAID SECTION, Page 1, Line 6, by inserting at the end of said line the following: "**For the purposes of this section only, "public owner" is defined as the state of Missouri or any officer, official, authority, board or commission of the state.**".*

*Representative Shields moved that House Amendment No. 4 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 068*

*Akin Alter Backer Ballard Barnett 4*
*Bartelsmeyer Bennett 15 Berkstresser Boatright Burton*
*Chrismer Cierpiot Cooper Crawford Dolan*
*Elliott Enz Evans Foster Gaskill*
*Gaston Gibbons Graham 106 Gratz Griesheimer*
*Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson*
*Hohulin Howerton Kasten Kauffman Kelley 47*
*Lawson Linton Lograsso Long Loudon*
*Marble McClelland Miller Murphy Naeger*
*Nordwald Ostmann Patek Pouche Pryor*
*Purgason Reinhart Relford Richardson Ridgeway*
*Robirds Ross Sallee Schwab Scott*
*Shields Smith Steen Summers Surface*
*Tate Townley Vogel*

*NOES: 076*

*Auer Barry 100 Bauer Bland Bonner*
*Boucher Bray 84 Broach Campbell Carter*
*Clayton Crump Daniel 42 Daniels 41 Davis 63*
*Davis 122 Days Donovan Edwards-Pavia Farmer*
*Farnen Fitzwater Foley Franklin Fritts*
*Goward Graham 24 Green Gross Hagan-Harrell*
*Harlan Heckemeyer Hollingsworth Hoppe Hosmer*
*Johnson Kelly 27 Kennedy Kissell Kreider*
*Lakin Leake Levin Luetkenhaus Lumpe*
*May 108 Mays 50 McBride McLuckie Monaco*
*Murray O'Connor O'Toole Overschmidt Parker*
*Ransdall Reynolds Rizzo Scheve Schilling*
*Seigfreid Shear Sheldon 104 Shelton 57 Skaggs*
*Stokan Stoll Stroker Thomason 163 Treadway*
*Van Zandt Wannenmacher Wiggins Williams 121 Wilson*
*Mr. Speaker*

*PRESENT: 000*

*ABSENT WITH LEAVE: 017*

*Champion Copeland Dougherty Ford Froelker*

*Gunn Hand Hickey Holand Koller*

*Legan Liese Secrest Thompson 37 Troupe*

*Williams 159 Wooten*

*VACANCIES: 002*

*Representative Shields offered House Amendment No. 5.*

*House Amendment No. 5*

*AMEND House Committee Substitute for House Bill No. 450, Page 1, Section 8.252.2, Line 8, by deleting the word "shall" and replacing it with the word "may".*

***HCS HB 450, as amended, with House Amendment No. 5, pending**, was laid over.*

***MESSAGES FROM THE SENATE***

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 19**.*

*SENATE CONCURRENT RESOLUTION NO. 19*

*WHEREAS, families are an important institution in this nation and in the state of Missouri; and*

*WHEREAS, the role that parents play in a child's life is important and the time that parents spend with children is crucial to the future of our society; and*

*WHEREAS, since 1965, the amount of time that parents spend with their children has dropped forty percent; and*

*WHEREAS, a 1993 study found that sixty-six percent of adults surveyed nationwide wanted to spend more time with their children; and*

*WHEREAS, in 1960, less than nineteen percent of married women were in the workforce who had a spouse present and children less than six years of age, yet today, more than sixty percent of such women are in the workplace; and*

*WHEREAS, currently, seventy-six percent of mothers with school-age children are in the workforce; and*

*WHEREAS, inflexible work schedules conflict with school hours, day care arrangements and family emergencies; and*

*WHEREAS, working parents, especially working mothers, require flexible working schedules so that they can take the time to tend to their children's needs; and*

*WHEREAS, federal law allows public employees to have flexible working schedules, so that such employees can balance the needs of work and family; and*

*WHEREAS, federal law prohibits employees in the private sector from having flexibility in work schedules which public employees currently enjoy; and*

*WHEREAS, in the interest of creating equity between private and public sector employment, and in the interest of promoting the importance of family obligations in our society, private sector employees should be allowed*

*to have flexibility in their work schedules in order to meet their family and personal obligations; and*

*WHEREAS, such flexibility can be established by allowing employees to opt for paid flexible leave; and*

*WHEREAS, paid flexible leave would allow a private sector employee to choose to work hours in addition to a forty-hour work week, and use those extra hours as compensatory time for a shorter, future work week. Such flexibility could be met by allowing an employee to work eighty hours over a two-week period in any combination that the employee wishes, or by allowing the employee to take time-and-a-half off instead of time-and-a-half pay for any overtime hours worked. The decision to work a flexible schedule would be solely at the option of the employee, not the employer; and*

*WHEREAS, federal law prohibits such flexibility at the option of the private sector employee;*

*NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that we respectfully urge the Congress of the United States to address this important issue by enacting legislation which would allow private sector employees to be able to choose paid flexible leave as set forth in this resolution; and*

*BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Delegation of Congress.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 29**, entitled:*

*An act to repeal section 7.002, RSMo Supp. 1996, relating to the Missouri-Nebraska boundary compact, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 38** and **83**, entitled:*

*An act to repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 55**, entitled:*

*An act to repeal section 288.040, RSMo Supp. 1996, relating to unemployment benefit eligibility, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 63**, entitled:*

*An act to amend chapter 306, RSMo, by adding thereto one new section relating to unauthorized jumping from commercial passenger boats, with penalty provisions.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 67**, entitled:*

*An act to repeal sections 238.300, 238.302 and 238.325, RSMo 1994, relating to transportation corporations, and to enact in lieu thereof six new sections relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 69****, entitled:*

*An act relating to special motor vehicle license plates for certain veterans.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SCS SB 105****, entitled:*

*An act to amend chapter 357, RSMo, by adding one new section relating to housing cooperatives.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 119****, entitled:*

*An act to amend chapter 315, RSMo, by adding six new sections relating to the rights and obligations of innkeepers and guests.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SS SB 121****, entitled:*

*An act to repeal sections 307.178, RSMo 1994, and 307.350, RSMo Supp. 1996, relating to motor vehicle safety requirements, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 132****, entitled:*

*An act to repeal section 115.361, RSMo Supp. 1996, relating to elections, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SCS SB 141****, entitled:*

*An act to repeal section 338.220, RSMo 1994, relating to pharmacists and pharmacies, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 142****, entitled:*

*An act to repeal sections 367.044, 367.045, 367.047, 367.048 and 367.050, RSMo 1994, relating to pawnbrokers, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 146****, entitled:*

*An act to repeal section 162.857, RSMo Supp. 1996, relating to special school districts, and to enact in lieu thereof two new sections relating to the same subject, with a termination date for a certain section and an emergency clause.*

*Emergency Clause adopted.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 150****, entitled:*

*An act to repeal sections 354.710 and 375.012, RSMo 1994, and to enact in lieu thereof two new sections relating to prepaid dental plans.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 152****, entitled:*

*An act to repeal section 169.660, RSMo Supp. 1996, relating to nonteacher school employee retirement, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SCS SB 191****, entitled:*

*An act to amend chapter 701, RSMo, by adding one new section relating to grinder pump pressure sewer systems, with an emergency clause.*

*Emergency Clause adopted.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SB 241****, entitled:*

*An act to repeal section 137.555, RSMo 1994, relating to funds for county roads and bridges, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken*

*up and passed **SB 242**, entitled:*

*An act to amend chapter 181, RSMo, by adding thereto one new section relating to the establishment of the Wolfner library trust fund.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 243**, entitled:*

*An act to repeal section 435.465, RSMo Supp. 1996, relating to requirements for arbitration agreements, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 270**, entitled:*

*An act to repeal sections 287.020, 287.030, 287.061, 287.090, 287.337 and 287.380, RSMo 1994, and 287.037, RSMo Supp. 1996, relating to workers' compensation, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 320**, entitled:*

*An act to repeal sections 256.453 and 256.468, RSMo 1994, relating to registration of geologists, and to enact in lieu thereof two new sections relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 333**, entitled:*

*An act relating to certain telecommunications services.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 340**, entitled:*

*An act to repeal section 37.005, RSMo Supp. 1996, relating to the office of administration, and to enact in lieu thereof one new section relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 342**, entitled:*

*An act to repeal sections 256.616, 256.635 and 256.637, RSMo 1994, relating to the water well drillers' fund, and to enact in lieu thereof three new sections relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 346**, entitled:*

*An act to amend chapter 173, RSMo, by adding one new section relating to the Charles Gallagher student financial assistance program.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 375**, entitled:*

*An act to repeal sections 409.301, 409.403 and 409.415, RSMo 1994, and sections 409.201, 409.202, 409.203 and 409.401, RSMo Supp. 1996, relating to the Missouri uniform securities act, and to enact in lieu thereof eight new sections relating to the same subject.*

*In which the concurrence of the House is respectfully requested.*

***COMMITTEE REPORTS***

***Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:*

*Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 341, 342, 343, 344, 346, 347, 348, 349** and **350**, begs leave to report it has examined the same and recommends that they **Do Pass**.*

***Committee on Banks and Financial Institutions**, Chairman Copeland reporting:*

*Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HJR 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.*

*Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **HB 766**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.***

*House Committee Amendment No. 1*

*AMEND House Bill No. 766, Page 5, Section 1, Line 39, by placing an opening bracket "[" before the word "the"; and*

*further amend said line by inserting a closing bracket "]" immediately after the word "either"; and*

*further amend said line by placing an opening bracket "[" immediately before the word "section"; and*

*further amend said section, line 41, by inserting immediately after the word "subdivision" the following "**] law as of January 1, 1997**".*

***Committee on Civil and Administrative Law**, Chairman Smith reporting:*

*Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 791**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.***

***Committee on Commerce**, Chairman Rizzo reporting:*

*Mr. Speaker: Your Committee on Commerce, to which was referred* ***HB 698****, begs leave to report it has examined the same and recommends that the* ***House Committee Substitute Do Pass.***

***Committee on Education - Elementary and Secondary****, Chairman Stoll reporting:*

*Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred* ***HB 521****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

*Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred* ***HB 604****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

*Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred* ***HB 628****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

*Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred* ***HB 797****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

***Committee on Elections****, Chairman Days reporting:*

*Mr. Speaker: Your Committee on Elections reports that a recount was conducted with the following results:*

*Marilyn Edwards-Pavia* ***5,779***

*Michael Frame* ***5,765***

*Your Committee on Elections recommends to the House of Representatives that since Marilyn Edwards-Pavia received more votes than Michael Frame in the recount of the 105th District of Missouri, that Marilyn Edwards-Pavia remain as the duly elected representatives of said district.*

*Mr. Speaker: Your Committee on Elections, to which was referred* ***HJR 16****, begs leave to report it has examined the same and recommends that it* ***Do Pass.***

***Committee on Municipal Corporations****, Chairman Shelton (57) reporting:*

*Mr. Speaker: Your Committee on Municipal Corporations, to which was referred* ***HB 349****, begs leave to report it has examined the same and recommends that it* ***Do Pass.***

*Mr. Speaker: Your Committee on Municipal Corporations, to which was referred* ***HB 386****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

***Committee on Retirement****, Chairman Hagan-Harrell reporting:*

*Mr. Speaker: Your Committee on Retirement, to which was referred* ***HB 169****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

*Mr. Speaker: Your Committee on Retirement, to which was referred* ***HB 482****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

*Mr. Speaker: Your Committee on Retirement, to which was referred* ***HB 543****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

*Mr. Speaker: Your Committee on Retirement, to which was referred* ***HB 612****, begs leave to report it has examined the same and recommends that it* ***Do Pass by Consent.***

***INTRODUCTION OF HOUSE JOINT RESOLUTIONS***

*The following House Joint Resolutions were read the first time and 1,000 copies ordered printed:*

***HJR 21**, introduced by Representative Thomason (163), relating to administrative rules and regulations.*

***HJR 22**, introduced by Representative Thomason (163), relating to administrative rules and regulations.*

***HJR 23**, introduced by Representative Williams (159), et al, relating to bingo.*

***INTRODUCTION OF HOUSE BILLS***

*The following House Bills were read the first time and 1,000 copies ordered printed:*

***HB 809**, introduced by Representative Broach, relating to the Missouri state employees' retirement system.*

***HB 810**, introduced by Representative Kreider, relating to livestock and crops.*

***HB 811**, introduced by Representatives Lakin, Lumpe, Gaw and Dougherty, et al, relating to creating the healthy Missouri children corporation.*

***HB 812**, introduced by Representative Levin, et al, relating to public restrooms.*

***HB 813**, introduced by Representatives Bartelsmeyer and Miller, relating to certain special road districts.*

***HB 814**, introduced by Representative Broach, relating to after-market automobile parts.*

***HB 815**, introduced by Representative Graham (24), et al, relating to centers for independent living.*

***HB 816**, introduced by Representative Williams (159), relating to certain emergency telephone boards.*

***ADJOURNMENT***

*On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, March 6, 1997.*

***CORRECTION***

*Correct House Journal, Thirty-third Day, Tuesday, March 4, 1997, page 500, line 25, by deleting the word "Amend" and inserting in lieu thereof the words "Amend House Bill No. 471,"*

***COMMITTEE MEETINGS***

*BUDGET*

*Thursday, March 6, 1997, 8:30 am. Hearing Room 9. Possible executive session.*

*To be considered - HB 34, HB 356, HB 10, HB 12*

*BUDGET*

*Thursday, March 6, 1997. Hearing Room 9 upon morning adjournment.*

*Possible executive session.*

*To be considered - HB 10, HB 12*

*CRIMINAL LAW*

*Thursday, March 6, 1997, 9:00 am. Hearing Rooms 3 and 4. Executive session to follow.*

*To be considered - HB 738*

*ELECTIONS*

*Thursday, March 6, 1997, 9:45 am. Side gallery. Executive session may follow.*

*To be considered - HB 761*

*ETHICS*

*Thursday, March 6, 1997. Side gallery upon morning adjournment. CANCELLED*

*INSURANCE*

*Thursday, March 6, 1997, 8:00 am. Hearing Room 8. Executive session to follow.*

*Consideration for any bills previously heard.*

*To be considered - HB 622, HB 793*

*JOINT COMMITTEE ON LEGISLATIVE RESEARCH*

*Thursday, March 6, 1997, 9:00 am. Hearing Room 7. Oversight audit report*

*child care facilities licensing.*

*JOINT COMMITTEE ON LEGISLATIVE RESEARCH*

*Thursday, March 6, 1997, 9:15 am. Hearing Room 7. Amended. Contested fiscal note.*

*To be considered - HB 663*

*JUDICIARY*

*Thursday, March 6, 1997, 9:00 am. Hearing Room 1. Executive session.*

*PROFESSIONAL REGISTRATION & LICENSING*

*Thursday, March 6, 1997, 9:30 am. Room 401. Executive session. There will*

*be no regularly scheduled hearing on Wednesday night.*

*PUBLIC HEALTH AND SAFETY*

*Thursday, March 6, 1997, 9:00 am. Hearing Room 2. AMENDED NOTICE*

*To be considered - Executive Session - HB 106, Executive Session - HB 320,*

*Executive Session - HB 329, Executive Session - HB 585, Executive Session - HB 601,*

*Executive Session - HB 635, Executive Session - HB 643, Executive Session - HB 724,*

*Executive Session - HB 762*

*UTILITIES REGULATION*

*Thursday, March 6, 1997, 8:00 am. Hearing Room 5. AMENDED NOTICE*

*Executive session to follow.*

*To be considered - HB 709, HCR 23*

*WORKERS COMPENSATION AND EMPLOYMENT SECURITY*

*Thursday, March 6, 1997. Side gallery upon adjournment.*

*To be considered - Executive Session - HB 472*

***HOUSE CALENDAR***

*THIRTY-FIFTH DAY, THURSDAY, MARCH 6, 1997*

***HOUSE JOINT RESOLUTIONS FOR SECOND READING***

*HJR 21 through HJR 23*

***HOUSE BILLS FOR SECOND READING***

*HB 809 through HB 816*

***HOUSE JOINT RESOLUTIONS FOR PERFECTION***

*HJR 2 - Kreider*

*HCS HJR 9 - Lumpe*

***HOUSE BILLS FOR PERFECTION***

*1 HCS HB 450, as amended, with HA 5, pending - Green*

*2 HCS HB 361 - May (108)*

*3 HCS HB 495 - Backer*

*4 HCS HB 589 - Rizzo*

*5 HCS HB 212 - Treadway*

*6 HCS HB 424 & 534 - Crump*

*7 HCS HB 529 - Crump*

*8 HCS HB 335 - Harlan*

*9 HB 339, HCA 1 - Kreider*

*10 HCS HB 600 & 388 - Carter*

*11 HB 193 - Auer*

*12 HCS HB 528 - Wiggins*

*13 HCS HB 100 - Williams (121)*

*14 HCS HB 493 & 39 - Farnen*

*15 HCS HB 426, 576 & 567 - Luetkenhaus*

***HOUSE BILLS FOR PERFECTION - INFORMAL***

*HB 570, as amended - Stoll*

*HCS HB 155, 81 & 171 - Farmer*

***HOUSE BILLS FOR PERFECTION - CONSENT***

*(March 3, 1997)*

*1 HB 59 - Hosmer*

*2 HB 172 - Leake*

*3 HB 327 - McBride*

*4 HB 633 - Copeland*

*5 HB 150 - Gaskill*

*6 HB 626 - Liese*

*7 HB 387 - Smith*

*8 HB 319 - Fritts*

*9 HB 244 - Hosmer*

*10 HB 95 - Long*

*11 HB 651 - Schilling*

*12 HB 300 - Barry*

*13 HB 104 - Bonner*

*14 HB 250 - Graham (106)*

*15 HB 309 - Treadway*

*16 HB 610 - Hosmer*

*17 HB 265 - Richardson*

*18 HB 88 - Smith*

*19 HB 520 - Green*

*20 HB 213 - Treadway*

*21 HB 438 - Fritts*

*22 HB 207 - Koller*

*23 HB 123 - Howerton*

*24 HB 566 - Treadway*

*(March 6, 1997)*

*25 HB 797 - Kissell*

*26 HB 379 - Franklin*

*27 HB 386 - Carter*

*28 HB 612 - Auer*

*29 HB 604 - Fritts*

*30 HB 791 - Stoll*

*31 HB 521 - Fitzwater*

*32 HB 543 - Franklin*

*33 HB 482 - Franklin*

*34 HB 169 - Skaggs*

*35 HB 628 - Froelker*

***HOUSE JOINT RESOLUTIONS FOR THIRD READING***

*HCS HJR 1 - Hosmer*

*HJR 11 - Leake*

***HOUSE BILLS FOR THIRD READING***

*HB 34, (Budget 2-27-97) - Bland*

*HCS HB 356, (Budget 3-3-97) - Skaggs*

*HCS HB 538, (Budget 3-3-97) - Scheve*

*HB 630, (Budget 3-4-97) - Boucher*

***SENATE BILLS FOR SECOND READING***

*1 SB 29*

*2 SCS SB 38 & 83*

*3 SCS SB 55*

*4 SB 63*

*5 SB 67*

*6 SB 69*

*7 SCS SB 105*

*8 SB 119*

*9 SS SB 121*

*10 SB 132*

*11 SCS SB 141*

*12 SB 142*

*13 SB 146*

*14 SB 150*

*15 SB 152*

*16 SCS SB 191*

*17 SB 241*

*18 SB 242*

*19 SB 243*

*20 SCS SB 270*

*21 SB 320*

*22 SB 333*

*23 SB 340*

*24 SB 342*

*25 SB 346*

*26 SB 375*

***HOUSE CONCURRENT RESOLUTIONS***

*HCR 13, as amended (2-27-97, pgs. 471, 472, laid over informally) - Boucher*

***HOUSE RESOLUTIONS***

*HR 69, (2-5-97, pg. 258) - Hosmer*

*HR 124, (2-5-97, pg. 259) - Liese*

*HR 147, (2-19-97 pg. 355) - Backer*

*HR 166, (2-19-97 pg. 355) - Williams (121)*

***COURTESY RESOLUTIONS***

***HR 313 - Days***

***HR 314 - Ross***

***HR 315 - Barry***

***HR 316 - Howerton***

***HR 317 - Pryor***

***HR 318 - Kennedy***

***HR 319 - Hartzler (124)***

***HR 320 - Kissell***

***HR 321 - Richardson***

***HR 322 - Farnen***

***HR 323 - Naeger***

***HR 324 - Daniels (41)***

***HR 325 - Ross***

***HR 326 - Wannenmacher***

***HR 327 - Davis (122)***

***HR 328 - O'Toole***

***HR 330 - Stoll***

***HR 331 - Williams (159)***

***HR 332 - McBride***

***HR 333 - Foley***

***HR 334 - Scott***

***HR 335 - Scott***

***HR 336 - Backer***

***HR 337 - Wilson***

***HR 338 - Legan***

***HR 339 - Shear***

***HR 341 - Bennett***

***HR 342 - Hosmer***

***HR 343 - Thomason (163)***

***HR 344 - Thomason (163)***

***HR 346 - Ross***

***HR 347 - Ross***

***HR 348 - Ross***

***HR 349 - Troupe***

***HR 350 - Troupe***

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-FIFTH DAY, Thursday, March 6, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Gracious God, this week has seen the evidence of nature's chaos in floods and tornadoes, lives lost in the fury of storms. Sometimes, within these walls, we forget what's going on around us. We get submerged in the paperwork and the phone calls and the meetings. Remind us of the world out there - the world that affects the people we represent. When we talk about health care, remind us that we're talking about people lying in hospital beds with worried family standing beside them; when we talk about welfare reform, remind us that there is a mother who's been left with hungry children to feed and doesn't know where the next meal is coming from; when we talk about issues, remind us of the faces and lives behind those issues. Let us be guided by the ultimate Law - your Law of Love.

And now as we prepare for a break in the activities - give these gathered here a time for rest and refreshment; a time of renewal and recommitment. Keep them safe and return them to this place ready to complete the business of this House. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Katharine Steinmetz, Zachery Fortner, Justin Yoder, Capen Briggs, Eric Steverson, Alison Stroop, Rita Hunt, Alex Merchant, Kristina Hawley, Kurtis Ozohse, Jamie Brown and Alyssa Callaghan.

The Journal of the thirty-fourth day was approved as corrected by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Harlan Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Copeland Dougherty Froelker Gunn Hand
Hartzler 123 Hickey Loudon Secrest Troupe
Williams 159

VACANCIES: 002

**RESOLUTIONS**

Representative Barry offered House Resolution No. 351, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barry offered House Resolution No. 352, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barry offered House Resolution No. 353, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barry offered House Resolution No. 354, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 355, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Surface offered House Resolution No. 356, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 357, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (123) offered House Resolution No. 358, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scott offered House Resolution No. 359, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Franklin offered House Resolution No. 360, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 361, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ransdall offered House Resolution No. 362, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ransdall offered House Resolution No. 363, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 364, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Griesheimer offered House Resolution No. 365, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Farnen offered House Resolution No. 366, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Farnen offered House Resolution No. 367, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 340** - State Parks, Natural Resources and Mining

**HOUSE CONCURRENT RESOLUTIONS**

Representative Rizzo offered House Concurrent Resolution No. 24.

Representative Scott, et al, offered House Concurrent Resolution No. 25.

**COURTESY RESOLUTIONS**

House Resolution Nos. 313 through 328, 330 through 339, 341 through 344 and 346 through 350 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 313 through 328, 330 through 339, 341 through 344 and 346 through 350 were adopted.

**SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 21** through **HJR 23** were read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 809** through **HB 816** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 29, SCS SB 38 & 83, SCS SB 55, SB 63, SB 67, SB 69, SCS SB 105, SB 119, SS SB 121, SB 132, SCS SB 141, SB 142, SB 146, SB 150, SB 152, SCS SB 191, SB 241, SB 242, SB 243, SCS SB 270, SB 320, SB 333, SB 340, SB 342, SB 346** and **SB 375** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 11** and **HCS HJR 1**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 538 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HCR 23**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, the United States Environmental Protection Agency (EPA) has a responsibility under the federal Clean Air Act to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

WHEREAS, the EPA is considering changes to both NAAQS, which include tightening of the ozone standard and adding a separate standard for particulate matter smaller than two and one-half microns in size (PM 2.5) in addition to the existing standard for particulate matter smaller than ten microns in size (PM 10); and

WHEREAS, states, through their citizens, legislative bodies and regulatory agencies, have worked hard to reduce air pollution and meet clean air requirements; and

WHEREAS, tightened standards could significantly expand the number of nonattainment areas for both standards and result in emissions controls in additional areas, thus imposing significant economic, administrative and regulatory burdens on more citizens, businesses and local governments; and

WHEREAS, there is very little monitoring data for PM 2.5; and

WHEREAS, current research indicates that there are many unanswered questions and uncertainties on the PM issue and the need for a more stringent standard, including divergent opinions among scientists who have investigated this issue; and

WHEREAS, there is considerable uncertainty about the scientific validity of the theories, data, and conclusions upon which the proposed NAAQS are based and the cost and feasibility of complying with them; and

WHEREAS, the EPA's own scientific advisor, the Clean Air Science Advisory Committee (CASAC) has recommended that the EPA proceed cautiously and improve the existing state of scientific knowledge before taking costly steps to further control ozone and fine particle emissions:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby advise and strongly urge the EPA to retain the existing NAAQS for ozone; and

BE IT FURTHER RESOLVED that the Missouri General Assembly further advises and strongly urges the EPA to reaffirm the existing PM 10 standard and conduct the additional PM 2.5 monitoring and scientific research needed to address the issue of causality and other important unanswered questions before a proposal for a new PM 2.5 standard or a revised PM 10 standard is made; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the EPA to delay its current consideration of the PM 2.5 standard until more information, including sound science and cost-effective data, is available; and

BE IT FURTHER RESOLVED that the General Assembly urges the EPA to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would derive from changes to the NAAQS for ozone and particulate matter; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Missouri Congressional delegation, the Administrator of the United States Environmental Protection Agency, and the Director of the Missouri Department of Natural Resources.

**PERFECTION OF HOUSE BILLS - INFORMAL**

**HB 570, as amended,** relating to school bus safety, was taken up and placed back on the Informal Calendar.

**HCS HBs 155, 81 and 171,** relating to state income tax, was taken up and placed back on the Informal Calendar.

**HOUSE CONCURRENT RESOLUTION**

House Concurrent Resolution No. 23, relating to EPA, was taken up by Representative Scheve.

Representative Scheve moved that Rule 63 be suspended and that House Concurrent Resolution No. 23 be adopted.

Representative Thomason (163) raised a point of order that Rule 63 is not the correct rule.

The Chair ruled the point of order not well taken.

Representative Elliott offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Concurrent Resolution No. 23, by adding at the end of said resolution the following:

"be it further resolved that we send a message to the EPA: 'We don't appreciate your kind round here' "

Representative Scheve raised a point of order that House Amendment No.1 is not germane to the resolution.

The Chair ruled the point of order not well taken.

Representative Elliott moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Scheve, House Concurrent Resolution No. 23 was adopted by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Davis 63 Davis 122 Days Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kennedy Kissell Koller Kreider Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Marble
May 108 Mays 50 McBride McClelland Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schwab
Scott Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Thomason 163
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Wooten Mr. Speaker

NOES: 011

Bauer Bray 84 Harlan Lakin Lumpe
McLuckie Relford Schilling Tate Williams 121
Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Copeland Daniels 41 Dougherty Froelker Gunn
Hand Hickey Kelly 27 Secrest Thompson 37
Troupe Williams 159

VACANCIES: 002

Speaker Gaw assumed the Chair.

**THIRD READING OF HOUSE JOINT RESOLUTIONS**

**HCS HJR 1**, relating to forfeiture proceeds, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS HJR 1** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Davis 63 Davis 122
Days Dolan Donovan Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 012

Copeland Daniels 41 Dougherty Ford Froelker

Gunn Hand Hickey Secrest Thompson 37

Troupe Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Crump moved that motion lay on the table.

The latter motion prevailed.

**HJR 11**, relating to bonds for sewer plants, was taken up by Representative Leake.

On motion of Representative Leake, **HJR 11** was read the third time and passed by the following vote:

AYES: 142

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

Dolan Donovan Edwards-Pavia Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Thomason 163 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Wilson

Wooten Mr. Speaker

NOES: 003

Akin Gross Hendrickson

PRESENT: 000

ABSENT WITH LEAVE: 016

Copeland Daniels 41 Dougherty Elliott Ford

Froelker Gunn Hand Hickey Hohulin

Robirds Secrest Tate Thompson 37 Troupe

Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Wiggins moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILL**

**HCS HB 538**, relating to challenge scholarship program, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HB 538** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Wilson Wooten Mr. Speaker

NOES: 002

Linton Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Copeland Dougherty Froelker Gunn Hand

Hickey Secrest Thompson 37 Troupe Williams 159

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HCS HB 450, as amended, with House Amendment No. 5, pending**, relating to public construction contracts, was again taken up by Representative Green.

Representative Shields moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 067

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Champion

Cierpiot Cooper Crawford Dolan Enz

Evans Foster Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson
Hohulin Holand Howerton Kasten Kauffman
Kelley 47 Levin Linton Lograsso Long
Loudon Marble McClelland Miller Naeger
Nordwald Ostmann Patek Pouche Pryor
Purgason Ransdall Reinhart Richardson Ridgeway
Robirds Sallee Schwab Scott Shields
Smith Steen Summers Surface Thomason 163
Townley Vogel

NOES: 078

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Broach Campbell
Carter Chrismer Clayton Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days Edwards-Pavia
Farmer Farnen Fitzwater Foley Ford
Franklin Fritts Goward Green Hagan-Harrell
Harlan Heckemeyer Hollingsworth Hoppe Hosmer
Johnson Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Liese
Luetkenhaus May 108 Mays 50 McBride McLuckie
Monaco Murphy Murray O'Connor O'Toole
Overschmidt Parker Relford Reynolds Rizzo
Scheve Schilling Seigfreid Shear Sheldon 104
Shelton 57 Skaggs Stokan Stoll Stroker
Treadway Van Zandt Wannenmacher Wiggins Williams 121
Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Copeland Donovan Dougherty Elliott Froelker
Gunn Hand Hickey Legan Lumpe
Ross Secrest Tate Thompson 37 Troupe
Williams 159

VACANCIES: 002

Representative Auer assumed the Chair.

Representative Marble offered House Amendment No. 6.

Representative Green raised a point of order that House Amendment No. 6 is not germane to the bill.

Representative Auer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Marble appealed the ruling of the parlimentary committee.

The Chair ruled that Representative Marble was not recognized for that motion.

Representative Lograsso raised a point of order that the Chair exceeded its authority.

The Chair ruled the point of order well taken.

Speaker Gaw resumed the Chair.

The ruling of the Chair was sustained by the following vote:

AYES: 077

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Campbell Carter
Clayton Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Farmer Farnen Fitzwater
Foley Ford Franklin Fritts Goward
Graham 24 Gratz Green Hagan-Harrell Harlan
Heckemeyer Hollingsworth Hoppe Hosmer Johnson
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Liese Luetkenhaus
May 108 Mays 50 McBride McLuckie Monaco
Murray O'Connor O'Toole Overschmidt Parker
Ransdall Relford Reynolds Rizzo Scheve
Schilling Seigfreid Shear Sheldon 104 Shelton 57
Skaggs Smith Stokan Stoll Stroker
Thomason 163 Treadway Van Zandt Wiggins Williams 121
Wilson Mr. Speaker

NOES: 070

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Edwards-Pavia Elliott Enz Evans

Foster Gaskill Gaston Gibbons Graham 106

Griesheimer Gross Hall Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kauffman Kelley 47 Legan Levin

Linton Lograsso Long Loudon Marble

McClelland Miller Murphy Naeger Nordwald

Ostmann Patek Pouche Pryor Purgason

Reinhart Richardson Ridgeway Robirds Sallee

Schwab Scott Shields Steen Summers

Surface Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 014

Copeland Donovan Dougherty Froelker Gunn

Hand Hickey Lumpe Ross Secrest

Tate Thompson 37 Troupe Williams 159

VACANCIES: 002

On motion of Representative Green, **HCS HB 450, as amended,** was adopted.

On motion of Representative Green, **HCS HB 450, as amended,** was ordered perfected and printed.

**HCS HB 361**, relating to landlord-tenant, was taken up by Representative May (108).

Representative May (108) offered **HS HCS HB 361**.

Speaker Pro Tem Kreider resumed the Chair.

Representative Carter offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 361, Section 441.020, Subsections 2 and 3, by deleting all of said subsections found on pages 3-5.

Representative Carter moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Rizzo offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill 361, Page 25, Section 1, Line 6 from the

top of said page, by inserting after said line the following:

"**Section 2. 1. In the sixteenth judicial circuit, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may authorize the appointment of not more than two landlord-tenant court commissioners. The landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of Jackson County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the landlord-tenant court judicial commission shall be established by circuit court rule.**

**2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving or taking of possession of residential property and any other equitable relief necessary to resolve disputes governed by the laws in chapters 441, 524, 534 and 535, RSMo. Landlord-tenant commissioners may not, by ex parte means, hear cases and issue orders.**

**3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of Jackson county, and shall receive as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not accept or handle cases in their practice of law which are inconsistent with their duties as a landlord-tenant commissioner and shall not be a judge or prosecutor for any other court. Landlord-tenant commissioners shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.**

**4. A majority of the judges of the circuit, en banc, shall establish operating procedures for the landlord-tenant court. Proceedings in the landlord-tenant court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a landlord-tenant commissioner without jury, and the commissioner shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.**

**5. The parties to a cause of action heard by a commissioner of the landlord-tenant court are entitled to file with the court a motion for a hearing in associate circuit court within ten days after the mailing, or within ten days after the issuance of service directed by the commissioner. If the motion for rehearing is not ruled on within twenty days after the motion is filed, it is denied for all purposes. In computing the twenty days, no day shall be counted during which the court lacks power to act because of an order by a superior court.**

**6. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at city expense, then a person aggrieved by a judgment of a landlord-tenant commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided pursuant to sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.**

**7. Any summons issued for the proceedings in the landlord-tenant court shall have a return date of ten days. The sheriff must serve any summons within four days of the date of issuance.**

**8. All costs to establish and operate a landlord-tenant court under this section shall be borne by Jackson County.**";

And FURTHER AMEND SAID BILL, by amending the title and enacting clause accordingly.

On motion of Representative Rizzo, House Amendment No. 2 was adopted.

Representative Elliott offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 361, Page 6, Section 441.060, Line 5, after the (.) period by inserting a new subsection with the following:

"An occupancy limitation of two (2) persons per bedroom residing in a dwelling unit shall be presumed reasonable for this state. The two-person limitation shall not apply to a child or children born to the tenants during the course of the lease."

On motion of Representative Elliott, House Amendment No. 3 was adopted.

Representative Bray offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 361, Page 2, Section 441.005, Line 19 from the top of said page, by deleting lines 19 through 23, and by inserting in lieu thereof the following:

"**(3) "Rent", in residential property, charges only for use and occupancy of the premises, excluding all deposits, damages, utility charges, use fees and the like, no matter how delimited in any applicable rental agreement. Any charges and expenses provided under this definition**"

Representative Bray moved that House Amendment No. 4 be adopted.

Which motion was defeated.

Representative Bennett offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 361, Page 2, Section 3, Line 8, by deleting the words "mobile trailer homes" and inserting the following, "manufactured homes pursuant to Chapter 700.010 RSMo."

Representative Bennett moved that House Amendment No. 5 be adopted.

Which motion was defeated.

Representative Lograsso offered House Amendment No. 6

Representative May (108) raised a point of order that House Amendment No. 6 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative May (108), **HS HCS HB 361, as amended,** was adopted.

On motion of Representative May (108), **HS HCS HB 361, as amended,** was ordered perfected and printed.

**HCS HB 495**, relating to lobbying, campaign, and ethics reform, was placed on the Informal Calendar.

**HCS HB 589**, relating to tax increment financing, was taken up by Representative Rizzo.

Representative Rizzo offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 589, Page 2, Section 99.805, Line 25, by inserting immediately following the first appearance of the word "taxes" on said line the following: "**, and sales and use taxes on motor vehicles, trailers, boats and outboard motors,**"; and

further amend said bill, Page 14, Section 99.845, Line 45, by inserting immediately following the word "excluding" on said line the following: "**sales and use taxes on motor vehicles, trailers, boats and outboard motors,**"; and

further amend said bill, Page 14, Section 99.845, Line 61, by inserting immediately following the first appearance of the word "taxes" on said line the following: "**, sales and use taxes on motor vehicles, trailers, boats and outboard motors,**"; and

further amend said bill, Page 15, Section 99.845, Line 71, by inserting immediately following the word "dedicated" on said line the following: "**, taxes deposited to the School District Trust Fund in accordance with Section 144.701 and sales and use taxes on motor vehicles, trailers, boats and outboard motors**" and

further amend said bill, Page 15, Section 99.845, Lines 71 and 72, by deleting the words "**generated by activities within the project area**" on said lines and inserting in lieu thereof the following: "**reported by businesses within the project area as identified by the municipality**" and

further amend said bill, Page 15, Section 99.845, Lines 72 and 73, by deleting the words "**generated by activities within the project area**" on said lines and inserting in lieu thereof the following: "**reported by businesses within the project area as identified by the municipality**" and

further amend said bill, Page 15, Section 99.845, Line 102, by inserting immediately following the word "shall" the word "**annually**"; and

further amend said bill, Page 17, Section 99.865, Line 26, by inserting immediately preceding the word "shall" the following: "**and any information regarding amounts disbursed to municipalities under the provisions of section 99.845**".

On motion of Representative Rizzo, House Amendment No. 1 was adopted.

Representative Rizzo offered House Amendment No. 2 .

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill 589, Section 99.805, Subdivision 13, Paragraph (b), Page 4, Lines 87 - 92, by deleting all of said lines and inserting in lieu thereof the following:

"legal, marketing, financial, planning or special services. **Excepting the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project prior to the approval of such plan or project;**"

AND FURTHER AMEND House Committee Substitute for House Bill 589, Section 99.820, Page 7, Line 49, by deleting the words "**as valorem**" found on said line, and inserting in lieu thereof the words "**ad valorem**".

On motion of Representative Rizzo, House Amendment No. 2 was adopted.

Representative Rizzo offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 589, Page 3, Subsection 10, Line 66, by inserting after the word "property" the following: "directly and"; and

Further amend said bill, Page 6, Section 99.820, Subsection 1, Line 9, by inserting immediately after the word "thereon" the following: "directly and".

On motion of Representative Rizzo, House Amendment No. 3 was adopted.

Representative Foley offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 589, Section 99.805, Page 1, Line 1, by inserting immediately before said section all of the following:

99.340. 1. When the governing body of a municipality adopts a resolution or ordinance as aforesaid, it shall promptly notify the mayor of such adoption. If the resolution or ordinance adopted is one approving the exercise of powers hereunder by a land clearance for redevelopment authority, the mayor shall appoint a board of commissioners of such authority which shall consist of five commissioners, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of five commissioners.

2. All commissioners of an authority shall be taxpayers who have resided **[**in the area of operation thereof for five years prior to their appointment**] for a period of five years in, in the case of a municipality, the area within the municipality; and, in the case of a county, the area within the county**.

3. Two of the commissioners who are first appointed shall be designated to serve for terms of one year from the date of their appointment and three shall be designated to serve for terms of two, three and four years respectively from the date of their appointment. Thereafter, commissioners shall be appointed as aforesaid for a term of office for four years except that all vacancies shall be filled for the unexpired term.

Amend Title and Enacting Clause accordingly

On motion of Representative Foley, House Amendment No. 4 was adopted.

Representative Franklin offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 589, Page 5, Section 99.810, Line 16, by adding a period after the word "subdivision" and striking the rest of lines 16, 17 and 18, and inserting the following in lieu thereof: "In making such a finding, the municipality shall consider all evidence before it, including any information provided by taxing districts relevant to such finding. The municipality shall execute an affidavit, signed by the necessary majority, stating that the facts required by this finding are true and correct to the best of their knowledge, information and belief."

On motion of Representative Franklin, House Amendment No. 5 was adopted.

Representative Campbell offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 589, Section 99.845, Page 14, Subsection 2, Line 46, by inserting immediately after the word "motels," on said line the following:

"**taxes levied pursuant to section 67.547, RSMo for the purpose of drug prevention, and section 70.500, RSMo,**"

And Further Amend Said Bill, Section 99.845, Page 14, Subsection 3, Line 62, by inserting immediately after the word "motels," on said line the following:

"**taxes levied pursuant to section 67.547, RSMo for the purpose of drug prevention, and section 70.500, RSMo,**"

On motion of Representative Campbell, House Amendment No. 6 was adopted.

Representative Edwards-Pavia offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 589, Section 99.805, Subdivision 5, Page 2, Line 44, by adding immediately after the word "RSMo" the following:

"**, and any business facility in which the principal owners of the excursion gambling boat have a direct economic interest and the infrastructure which is directly and specifically related to such business facility**"

On motion of Representative Edwards-Pavia, House Amendment No. 7 was adopted by the following vote:

AYES: 129

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Chrismer Cierpiot Clayton Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

Dolan Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hohulin Holand Hollingsworth Howerton

Johnson Kauffman Kelley 47 Kelly 27 Kennedy

Kreider Lakin Lawson Leake Legan

Levin Linton Lograsso Long Loudon

Luetkenhaus Lumpe May 108 Mays 50 McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Sallee Scheve

Schilling Schwab Scott Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Thomason 163 Townley Treadway Van Zandt Vogel

Wiggins Williams 121 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 032

Champion Cooper Copeland Donovan Dougherty

Ford Froelker Goward Green Gunn

Hall Hand Harlan Hickey Hoppe

Hosmer Kasten Kissell Koller Liese

Marble McBride O'Connor Ross Secrest

Skaggs Tate Thompson 37 Troupe Wannenmacher

Williams 159 Wooten

VACANCIES: 002

On motion of Representative Rizzo, **HCS HB 589, as amended,** was adopted.

On motion of Representative Rizzo, **HCS HB 589, as amended,** was ordered perfected and printed.

**COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 126**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 343**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 738**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 275** and **HB 439**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 681**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Elections, to which was referred **HB 761**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Governmental Organization and Review**, Chairman Goward reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 652**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 660**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 730**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 539**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 622**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 793**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 655**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 31**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 41**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 63**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 125**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 249**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 318**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 609**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 689**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 711**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 124**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 394**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 436** and **HB 260**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 692**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 709**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Workers Compensation and Employment Security**, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Workers Compensation and Employment Security, to which was referred **HB 446**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 446, Page 3, Section 288.050, Line 62, by deleting said line and by inserting in lieu thereof the following:

"**involve a conviction for a criminal act of deceit or dishonesty committed while acting within the course and scope of employment, cancel all**";

Mr. Speaker: Your Committee on Workers Compensation and Employment Security, to which was referred **HB 472**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Workers Compensation and Employment Security, to which was referred **HB 727**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 24**, introduced by Representative Reynolds, et al, relating to the prohibition of public aid for religious purposes and institutions.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 817**, introduced by Representative Hagan-Harrell, relating to the highways and transportation employees' and highway patrol retirement system.

**HB 818**, introduced by Representatives Hall and Lograsso, et al, relating to child custody.

**HB 819**, introduced by Representative Auer, et al, relating to land conservation and development.

**HB 820**, introduced by Representatives Sheldon (104) and Crump, et al, relating to crime of aggravated harassment of an employee by an inmate.

**HB 822**, introduced by Representative Bray, et al, relating to certain medical procedures.

**HB 823**, introduced by Representative Lumpe, et al, relating to community corrections.

**HB 824**, introduced by Representatives Edwards-Pavia and Kelley (47), et al, relating to human cloning.

**HB 825**, introduced by Representative Loudon, relating to fraudulent practices on the Internet.

**HB 826**, introduced by Representative Hendrickson, et al, relating to motor vehicles.

**HB 827**, introduced by Representative Hagan-Harrell, relating to the public school retirement system.

**HB 828**, introduced by Representative Monaco, relating to settlements of estates.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, March 12, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-third Day, Tuesday, March 4, 1997, page 500, line 5, by deleting the words "**Do Pass**" and inserting in lieu thereof the words "**Do Pass by Consent**".

Correct House Journal, Thirty-fourth Day, Wednesday, March 5, 1997, Page 512, roll call, by showing Representatives Lakin and Luetkenhaus voting "no" rather than "absent with leave".

Page 512, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

Pages 513 and 514, roll call, by showing Representatives Scheve, Hosmer, Bland, Smith, Boatright, Wilson, Bonner, Ransdall and Shear voting "present" rather than "absent with leave".

Pages 518 and 519, roll call, by showing Representative Broach voting "aye" rather than "absent with leave".

Pages 519 and 520, roll call, by showing Representative Bland voting "aye" rather than "absent with leave".

Pages 520 and 521, roll call, by showing Representatives Kissell and May (108) voting "aye" rather than "absent with leave".

Page 522, roll call, by showing Representative Loudon voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

CHILDREN, YOUTH, AND FAMILIES

Tuesday, March 18, 1997, 8:30 am. Hearing Rooms 3 and 4.

To be considered - Executive Session - HB 723, Executive Session - HB 372,

Executive Session - HB 650, Executive Session - HB 629, Executive Session - HB 789

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 19, 1997. Hearing Room 1 upon morning adjournment.

Executive session may follow.

To be considered - HB 70, HB 741

CRIMINAL LAW

Wednesday, March 19, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 501, HB 697, HB 164, HB 496, HB 739, HB 707, HB 632, HB 777

CRITICAL ISSUES

Monday, March 17, 1997, 8:00 pm. Hearing Room 7. Executive session will follow.

To be considered - HB 236, HB 408, HB 139

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 18, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 661, HB 785, HB 787, Executive Session - HB 105,

Executive Session - HB 245, Executive Session - HB 359, Executive Session - HB 373,

Executive Session - HB 405

ELECTIONS

Tuesday, March 18, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 678, HB 691, HB 712, HB 666, HB 734

ENVIRONMENT AND ENERGY

Monday, March 17, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 453, HB 684

JUDICIARY

Tuesday, March 18, 1997. Hearing Room 5 upon morning adjournment.

To be considered - HB 181, HB 191, HB 582, HB 669

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 18, 1997. Hearing Room 4 upon morning adjournment.

Executive session will follow.

To be considered - HB 763, HB 756, HB 749, HB 768, HB 340, HB 289, HB 771, HB 760

**HOUSE CALENDAR**

THIRTY-SIXTH DAY, WEDNESDAY, MARCH 12, 1997

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 24

**HOUSE BILLS FOR SECOND READING**

HB 817 through HB 829

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 2 - Kreider

HCS HJR 9 - Lumpe

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 212 - Treadway

2 HCS HB 424 & 534 - Crump

3 HCS HB 529 - Crump

4 HCS HB 335 - Harlan

5 HB 339, HCA 1 - Kreider

6 HCS HB 600 & 388 - Carter

7 HB 193 - Auer

8 HCS HB 528 - Wiggins

9 HCS HB 100 - Williams (121)

10 HCS HB 493 & 39 - Farnen

11 HCS HB 426, 576 & 567 - Luetkenhaus

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 3, 1997)

1 HB 59 - Hosmer

2 HB 172 - Leake

3 HB 327 - McBride

4 HB 633 - Leake

5 HB 150 - Gaskill

6 HB 626 - Liese

7 HB 387 - Smith

8 HB 319 - Fritts

9 HB 244 - Hosmer

10 HB 95 - Long

11 HB 651 - Schilling

12 HB 300 - Barry

13 HB 104 - Bonner

14 HB 250 - Graham (106)

15 HB 309 - Treadway

16 HB 610 - Hosmer

17 HB 265 - Richardson

18 HB 88 - Smith

19 HB 520 - Green

20 HB 213 - Treadway

21 HB 438 - Fritts

22 HB 207 - Koller

23 HB 123 - Howerton

24 HB 566 - Treadway

(March 6, 1997)

25 HB 797 - Kissell

26 HB 379 - Franklin

27 HB 386 - Carter

28 HB 612 - Auer

29 HB 604 - Fritts

30 HB 791 - Stoll

31 HB 521 - Fitzwater

32 HB 543 - Franklin

33 HB 482 - Franklin

34 HB 169 - Skaggs

35 HB 628 - Froelker

**HOUSE BILLS FOR THIRD READING**

HB 34, (Budget 2-27-97) - Bland

HCS HB 356, (Budget 3-3-97) - Skaggs

HB 630, (Budget 3-4-97) - Boucher

HS HB 390 - Hoppe

**HOUSE CONCURRENT RESOLUTIONS**

HCR 13, as amended (2-27-97, pgs. 471, 472, laid over informally) - Boucher

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-SIXTH DAY, Wednesday, March 12, 1997

The House met pursuant to adjournment.

Speaker Gaw in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

**RESOLUTIONS**

Representative Auer offered House Resolution No. 368, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 369, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McClelland offered House Resolution No. 370, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 371, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution No. 372, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 24** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 817** through **HB 828** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 59, HB 88, HB 95, HB 104, HB 123, HB 150, HB 172, HB 207, HB 213, HB 244, HB 250, HB 265, HB 300, HB 309, HB 319, HB 327, HB 387, HB 438, HB 520, HB 566, HB 610,**

**HB 626, HB 633** and **HB 651**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 798** - Elections

**HB 799** - Workers Compensation and Employment Security

**HB 800** - Public Health and Safety

**HB 801** - Utilities Regulation

**HB 802** - Correctional and State Institutions

**HB 804** - Insurance

**HB 805** - Correctional and State Institutions

**HB 806** - Criminal Law

**HB 807** - Criminal Law

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 829**, introduced by Representative Patek, relating to drivers' licenses.

**HB 830**, introduced by Representative Gibbons, relating to employment security.

**HB 831**, introduced by Representative Griesheimer, relating to planning commissions.

**HB 832**, introduced by Representatives Hoppe and Kauffman, relating to taxation.

**HB 833**, introduced by Representative Gaskill, relating to associate circuit judges.

**HB 834**, introduced by Representative Bauer, relating to actions against health care providers.

**HB 835**, introduced by Representative Bauer, relating to the acquisition of certain human tissues.

**ADJOURNMENT**

On motion of the Speaker, the House adjourned until 4:00 p.m., Monday, March 17, 1997.

**CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-fifth Day, Thursday, March 6, 1997, Page 560, by inserting after Line 31, **HB 821**, introduced by Representative Backer, relating to expense reimbursement for members of certain boards and commissions.

**COMMITTEE MEETINGS**

CHILDREN, YOUTH, AND FAMILIES

Tuesday, March 18, 1997, 8:30 am. Hearing Rooms 3 and 4.

To be considered - Executive Session - HB 723, Executive Session - HB 372,

Executive Session - HB 650, Executive Session - HB 629, Executive Session - HB 789

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 19, 1997. Hearing Room 1 upon morning adjournment.

Executive session may follow.

To be considered - HB 70, HB 741

CRIMINAL LAW

Wednesday, March 19, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 501, HB 697, HB 164, HB 496, HB 739, HB 707, HB 632, HB 777

CRITICAL ISSUES

Monday, March 17, 1997, 8:00 pm. Hearing Room 7. Executive session will follow.

To be considered - HB 236, HB 408, HB 139

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 18, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 661, HB 785, HB 787, Executive Session - HB 105,

Executive Session - HB 245, Executive Session - HB 359, Executive Session - HB 373,

Executive Session - HB 405

EDUCATION - HIGHER

Monday, March 17, 1997. North east side gallery upon adjournment

To be considered - Executive Session - HB 663

ELECTIONS

Tuesday, March 18, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 678, HB 691, HB 712, HB 666, HB 734

ENVIRONMENT AND ENERGY

Monday, March 17, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 453, HB 684

JUDICIARY

Tuesday, March 18, 1997. Hearing Room 5 upon morning adjournment.

To be considered - HB 181, HB 191, HB 582, HB 669

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 18, 1997. Hearing Room 4 upon morning adjournment.

Executive session will follow.

To be considered - HB 763, HB 756, HB 749, HB 768, HB 340, HB 289, HB 771, HB 760

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 18, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 679, HB 737, HB 751, HB 765, HB 769, HB 773, HB 776,

HB 778, HB 783

**HOUSE CALENDAR**

THIRTY-SEVENTH DAY, MONDAY, MARCH 17, 1997

**HOUSE BILLS FOR SECOND READING**

HB 829 through HB 835

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 2 - Kreider

HCS HJR 9 - Lumpe

HJR 12 - Green

HJR 16 - Farnen

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 212 - Treadway

2 HCS HB 424 & 534 - Crump

3 HCS HB 529 - Crump

4 HCS HB 335 - Harlan

5 HB 339, HCA 1 - Kreider

6 HCS HB 600 & 388 - Carter

7 HB 193 - Auer

8 HCS HB 528 - Wiggins

9 HCS HB 100 - Williams (121)

10 HCS HB 493 & 39 - Farnen

11 HCS HB 426, 576 & 567 - Luetkenhaus

12 HCS HB 472 - Luetkenhaus

13 HCS HB 738 - Hosmer

14 HB 338 - Gunn

15 HCS HB 369 - Clayton

16 HB 660 - Lumpe

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HCS HB 411 - Dougherty

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 6, 1997)

1 HB 797 - Kissell

2 HB 379 - Franklin

3 HB 386 - Carter

4 HB 612 - Auer

5 HB 604 - Fritts

6 HB 791 - Stoll

7 HB 521 - Fitzwater

8 HB 543 - Franklin

9 HB 482 - Franklin

10 HB 169 - Skaggs

11 HB 628 - Froelker

(March 17, 1997)

12 HB 689 - Foley

13 HB 41 - Hosmer

14 HB 343 - Kelly (27)

15 HB 622 - Lakin

16 HB 126 - Dougherty

17 HB 249 - Kreider

18 HB 655 - May (108)

19 HB 125 - Heckemeyer

20 HB 652 - Backer

21 HB 609 - Summers

22 HB 793 - Auer

23 HB 761 - Hartzler (123)

24 HB 709 - Foley

25 HB 31 - Backer

26 HB 700 - Legan

27 HB 63 - Griesheimer

28 HB 124 - Dougherty

29 HB 692 - Luetkenhaus

30 HB 318 - Clayton

31 HB 711 - Hartzler (124)

32 HB 394 - Loudon

33 HB 727 - McBride

**HOUSE BILLS FOR THIRD READING**

HB 34, (Budget Fiscal, 2-27-97) - Bland

HCS HB 356, (Budget Fiscal, 3-3-97) - Skaggs

HB 630, (Budget Fiscal, 3-4-97) - Boucher

HS HB 390 - Hoppe

HCS HB 450 - Green

HS HCS HB 361 - May (108)

HCS HB 589 - Rizzo

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 59, E.C. - Hosmer

2 HB 172 - Leake

3 HB 327 - McBride

4 HB 633, E.C. - Leake

5 HB 150 - Gaskill

6 HB 626 - Liese

7 HB 387 - Smith

8 HB 319 - Fritts

9 HB 244 - Hosmer

10 HB 95 - Long

11 HB 651 - Schilling

12 HB 300 - Barry

13 HB 104 - Bonner

14 HB 250 - Graham (106)

15 HB 309 - Treadway

16 HB 610 - Hosmer

17 HB 265 - Richardson

18 HB 88 - Smith

19 HB 520 - Green

20 HB 213 - Treadway

21 HB 438 - Fritts

22 HB 207 - Koller

23 HB 123 - Howerton

24 HB 566 - Treadway

**HOUSE CONCURRENT RESOLUTION**

HCR 13, as amended (2-27-97, pgs. 471,472, laid over informally) - Boucher

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-SEVENTH DAY, Monday, March 17, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Let us not sleep, but keep awake, let us be sober and put on the breastplate of faith and love." (I Thess. 5:8).

This afternoon we return from spring break, refreshed by time at home with family and friends, strengthened by lots of advise from constituents and home-town editorials about how to fix what's wrong. We welcome our new member who will be sworn in today, Rep. Karl DeMarce. It is St. Patrick's Day, a day that is ethnically important for some citizens, a religious observance for some, a spring festival for others, an occasion for a party for others.

We ask for peace for the people of Ireland. Today we also ask for the guidance we need at this traditional half-way mark in the session, gracious God, and we do so in the Irish language: "in anam De an obair seo," in the name of God may this work be done. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the thirty-fifth day was approved as corrected.

The Journal of the thirty-sixth day was approved as printed.

**RESOLUTIONS**

Representative Murphy offered House Resolution No. 373, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution No. 374, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ford offered House Resolution No. 375, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Parker offered House Resolution No. 376, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Kauffman and Bland offered House Resolution No. 377, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Kauffman and Daniel (42) offered House Resolution No. 378, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Kauffman and Campbell offered House Resolution No. 379, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hickey, et al, offered House Resolution No. 380, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Naeger offered House Resolution No. 381, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bennett offered House Resolution Nos. 382 and 383, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gross offered House Resolution Nos. 384 through 387, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ostmann offered House Resolution Nos. 388 and 389, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution No. 390, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Smith offered House Resolution No. 391, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Luetkenhaus offered House Resolution No. 392, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 393, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 394, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gratz offered House Resolution Nos. 395 and 396, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILLS**

**HB 829** through **HB 835** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 450, HS HB 390, HS HCS HB 361,** and **HCS HB 589**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**COMMUNICATION FROM THE SECRETARY OF STATE**

TO THE SPEAKER OF THE HOUSE

Honorable Steve Gaw

Jefferson City, MO

Sir:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special

Election held in the 1st Legislative District in the State of Missouri, on the 4th day of March, 1997, as provided by law, the following named person was elected to the office of State Representative, 1st Legislative District as shown by the election results certified to this office by the Election Authorities of the 1st Legislative District.

**Name Office**

Karl DeMarce State Representative

437 E. Madison St. 1st Legislative District

Memphis, MO 63555

IN WITNESS WHEREOF, I have hereunto set

my hand and affixed the seal of my office this 14th

day of March, 1997.

/s/ Rebecca McDowell Cook

Secretary of State

**OATH OF OFFICE**

Representative Karl DeMarce advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Steve Gaw, Speaker of the Missouri House of Representatives.

**THIRD READING OF HOUSE BILL**

**HCS HB 589**, relating to tax increment financing, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HCS HB 589** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 008

Bauer Chrismer Copeland Hand Murray

Sheldon 104 Thompson 37 Williams 159

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HCS HB 212**, relating to professional registration, was taken up by Representative Treadway.

Representative Treadway offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 212, Page 1, In the Title, Line 3, by deleting the number "338.196,"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the number "338.196,"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 22, Section 338.196, Lines 1 through 3, by deleting all of said lines.

On motion of Representative Treadway, House Amendment No. 1 was adopted.

Representative Smith offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 212, Page 17, Section 338.013, Line 46, by inserting after the word "No" the words "**hospital or**"; and

Further amend said bill, Page 17, Section 338.013, Line 47, by inserting after the word "Any" the words "**hospital or**"; and

Further amend said bill, Page 22, Section 338.220, Line 6, by inserting after the word "**Hospital**" the words "**outpatient pharmacy**".

On motion of Representative Smith, House Amendment No. 2 was adopted.

Representative Stoll offered House Amendment No. 3

Representative Smith raised a point of order that House Amendment No. 3 is amending previously amended material.

The Chair ruled the point of order well taken.

Representative Ostmann offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 212, Page 1, In the Title, Line 2, by inserting after the number "337.021," the number "337.035,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word and number "and 334.735" and inserting in lieu thereof the following: ", 334.735 and 337.020"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "337.021," the number "337.035,";

and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and number "and 334.735" and inserting in lieu thereof the following: ", 334.735 and 337.020"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the number "337.021," and inserting in lieu thereof the following: "337.020, 337.021, 337.035,"; and

Further amend said bill, Page 14, Section 334.735, Line 100, by inserting after all of said line the following:

"337.020. 1. Each person desiring to obtain a license as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing [same] **the application**, subject to the penalties of making a false affidavit or declaration.

2. Each applicant shall submit evidence satisfactory to the committee that [he] **the applicant** is at least twenty-one years of age, is of good moral character, and meets the appropriate educational and supervised training requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall license and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the Examination for Professional Practice in Psychology or such other examination in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall be licensed without examination.

4. Written and oral examinations [under] **pursuant to** sections 337.010 to 337.090 shall be administered by the committee at least twice each year to those applicants who meet the other requirements for licensure. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the Examination for Professional Practice in Psychology national examination in psychology or such other national examination in psychology which may be available.

5. If an applicant fails any examination, [he] **the applicant** shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

[6. The provisions of this chapter shall not apply to hypnotherapists.]"; and

Further amend said bill, Page 15, Section 337.021, Line 33, by inserting after all of said line the following:

"337.035. 1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of [his] **the applicant's** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered [his] **the person's** certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice [under] **as provided in** this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated [hereunder] **pursuant to this chapter**;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

**4. An interested third party may file a complaint or appear or present evidence relative to such complaint or another complaint filed pursuant to this section. For purposes of this section, "an interested third party" includes a parent or guardian of a person who received treatment by a psychologist or any person who is financially**

**responsible for the payment of such treatment.**".

On motion of Representative Ostmann, House Amendment No. 3 was adopted.

On motion of Representative Treadway, **HCS HB 212, as amended,** was adopted.

On motion of Representative Treadway, **HCS HB 212, as amended,** was ordered perfected and printed.

**HCS HBs 424 and 534**, relating to department of conservation, was taken up by Representative Crump.

Representative Crump offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bills Nos. 424 and 534, Page 1, Section 252.230, Line 1, by inserting immediately after the symbol "252.230" the following:

"**1. Except as provided in subsection 2 of this section,**" ; and

Further amend said bill, Page 1, Section 252.230, Line 5, by inserting immediately after all of said line the following:

"**2. Any person violating any rules and regulations relating to wildlife shall be guilty of a class B misdemeanor unless such rules and regulations pertain to the provisions of sections 252.010 to 252.043 or sections 252.050 to 252.241.**"

On motion of Representative Crump, House Amendment No. 1 was adopted.

Representative Crump offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bills Nos. 424 & 534, Page 3, Section 252.085, Line 29, by deleting the words "**authorized agents**" and inserting in lieu thereof the words "**persons certified as peace officers in accordance with the provisions of chapter 590, RSMo, and authorized agents of the conservation commission as provided in subsection 1 of this section**"; and

Further amend said bill, Page 3, Section 252.085, Line 30, by deleting the word "**agent**" and inserting the words "**certified officer or agent**".

On motion of Representative Crump, House Amendment No. 2 was adopted.

Representative Patek offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bills Nos. 424 and 534, Page 2, Section 252.245, Lines 18 to 26, by deleting all of said lines and inserting in lieu thereof the following: "be unpaid employees."

Further amend said bill, page 2, Section 252.245, Line 27, by deleting the number "**6**" and inserting in lieu thereof the number "**5**"; and

Further amend said bill, Page 2, Section 252.245, Line 30, by deleting the number "**7**" and inserting in lieu thereof

the number "**6**".

Representative Patek moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 061

Akin Barnett 4 Bartelsmeyer Berkstresser Boatright
Burton Champion Chrismer Cierpiot Cooper
Crawford Dolan Donovan Edwards-Pavia Elliott
Enz Evans Foster Froelker Gaskill
Gibbons Graham 106 Gross Hall Hartzler 124
Hegeman Hendrickson Hohulin Howerton Kasten
Kelley 47 Legan Levin Linton Lograsso
Loudon Marble McClelland Miller Murphy
Naeger Nordwald Ostmann Patek Pouche
Purgason Reinhart Richardson Ross Sallee
Scott Secrest Shields Steen Stokan
Summers Surface Townley Troupe Vogel
Wannenmacher

NOES: 091

Alter Auer Backer Ballard Barry 100
Bennett 15 Bland Bonner Boucher Bray 84
Broach Campbell Carter Clayton Crump
Daniel 42 Davis 63 Davis 122 Days DeMarce
Dougherty Farmer Farnen Fitzwater Ford
Franklin Fritts Gaston Graham 24 Gratz
Green Griesheimer Gunn Hagan-Harrell Harlan
Hartzler 123 Heckemeyer Hickey Holand Hollingsworth
Hoppe Hosmer Johnson Kauffman Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Liese Long Luetkenhaus
Lumpe May 108 Mays 50 McBride McLuckie
Monaco O'Connor O'Toole Overschmidt Parker
Pryor Ransdall Relford Reynolds Ridgeway
Robirds Scheve Schilling Schwab Seigfreid
Shear Shelton 57 Skaggs Smith Stoll
Stroker Tate Thomason 163 Thompson 37 Treadway
Van Zandt Wiggins Williams 121 Wilson Wooten

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Bauer Copeland Daniels 41 Foley Goward

Hand Murray Rizzo Sheldon 104 Williams 159

VACANCY: 001

On motion of Representative Crump, **HCS HBs 424 and 534, as amended,** was adopted.

On motion of Representative Crump, **HCS HBs 424 and 534, as amended,** was ordered perfected and printed.

**HCS HB 529**, relating to regional jail districts, was taken up by Representative Crump.

Representative Crump offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 529, Page 1, Section 67.582, Lines 3 and 4, by striking the following on said lines "one-eighth of one percent, one-fourth of one percent, three-eighths of one percent or" and inserting in lieu thereof the following "**up to**"; and

further amend said substitute, Page 7, Section 1, Line 5, by inserting immediately after the word "enforce" the following "**guidelines and**"; and

further amend said line by inserting immediately after the word "facility" the following "**; those guidelines and standards shall not exceed the guidelines and standards recommended by the American Correctional Association**"; and

further amend said substitute, Page 8, Section 2, Line 11, by striking the word "such" and inserting in lieu thereof the word "**state**"; and

further amend said section, Line 12, by striking all of said line and inserting in lieu thereof the following "**state per diem paid to the nearest county or city jail currently housing state prisoners.**"

Representative Ballard offered House Substitute Amendment No. 1 for House Amendment No. 1.

House Substitute Amendment No. 1 for House Amendment No. 1 was withdrawn.

On motion of Representative Crump, House Amendment No. 1 was adopted.

Representative Legan offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 529, Page 4, Section 221.111, by inserting following line 24 the following: violation of this subsection shall be an infraction.

Representative Legan offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 529, Page 4, Section 221.111, by inserting following line 24 the following: violation of this subsection shall be an infraction if not covered by other statutes.

On motion of Representative Legan, House Amendment No. 1 to House Amendment No. 2 was adopted.

On motion of Representative Legan, House Amendment No. 2, as amended, was adopted.

Representative Kissell offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 529, Page 7, Section 221.430, Line 15, by deleting the semi-colon after the word "offender" and further amend said bill Line 15, by adding after the word "and" the following, **any provider of prisoner transportation services, either public or private, transporting state prisoners, shall have the same liability as the state of Missouri.**

On motion of Representative Kissell, House Amendment No. 3 was adopted.

Representative Townley offered House Amendment No. 4.

House Amendment No. 4 was withdrawn.

**HCS HB 529, as amended,** was laid over.

**HOUSE CONCURRENT RESOLUTION**

**HCR 13, as amended,** relating to residential building contractors, was again taken up by Representative Boucher.

On motion of Representative Boucher, **HCR 13, as amended,** was adopted by the following vote:

AYES: 079

Auer Backer Barry 100 Bland Bonner

Boucher Bray 84 Broach Campbell Carter

Champion Clayton Daniel 42 Daniels 41 Davis 63

Davis 122 DeMarce Donovan Dougherty Edwards-Pavia

Farmer Farnen Fitzwater Ford Franklin

Fritts Graham 24 Green Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hickey Hollingsworth

Hoppe Johnson Kauffman Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Levin Liese Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Monaco

Murphy O'Connor O'Toole Overschmidt Reynolds

Rizzo Scheve Schilling Shear Shelton 57

Skaggs Smith Stokan Stoll Stroker

Thompson 37 Treadway Troupe Van Zandt Wiggins

Williams 121 Wilson Wooten Mr. Speaker

NOES: 067

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Chrismer

Cierpiot Cooper Crawford Dolan Elliott

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Gratz Griesheimer

Gross Hall Hartzler 124 Hegeman Hendrickson

Holand Kasten Kelley 47 Legan Lograsso

Loudon Marble McClelland Miller Naeger

Nordwald Ostmann Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Richardson Ridgeway Robirds Ross Sallee

Schwab Scott Secrest Seigfreid Shields

Steen Summers Surface Tate Thomason 163

Townley Vogel

PRESENT: 000

ABSENT WITH LEAVE: 016

Bauer Copeland Crump Days Foley

Goward Hand Hohulin Hosmer Howerton

Linton Long Murray Sheldon 104 Wannenmacher

Williams 159

VACANCY: 001

**COMMITTEE REPORT**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 595**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HS HCS HB 361** - Budget (Fiscal Note)

**HS HB 390** - Budget (Fiscal Note)

**INTRODUCTION OF HOUSE BILL**

The following House Bill was read the first time and 1,000 copies ordered printed:

**HB 836**, introduced by Representative Kreider, relating to prisoner litigation reform.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, March 18, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-fourth Day, Wednesday, March 5, 1997, by deleting lines 17 and 18 and inserting in lieu thereof the following:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **HB 349**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Correct House Journal, Thirty-fifth Day, Thursday, March 6, 1997, pages 540 and 541, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Page 545, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Page 547, roll call, by showing Representative Robirds voting "aye" rather than "absent with leave".

Pages 556 and 557, roll call, by showing Representative Kasten voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

ADHOC COMMITTEE ON ADMIN. RULES (H)

Tuesday, March 18, 1997, 8:00 pm. Hearing Rooms 3 & 4. Review of Supreme

Court Cause 78628. AMENDED NOTICE Executive session to follow.

BUDGET

Tuesday, March 18, 1997, 8:30 am. Hearing Room 9. Continuation of mark-up

on FY 1998 Appropriation Bills not finished Monday. Executive session.

BUDGET

Tuesday, March 18, 1997, 8:00 pm. Hearing Room 9. Continuation of mark-up

on FY 1998 Appropriation Bills not finished Tuesday. Executive session.

BUDGET

Wednesday, March 19, 1997, 8:30 am. Hearing Room 9. Continuation of mark-up on FY 1998 Appropriation bills not finished Tuesday night. Executive session.

CHILDREN, YOUTH, AND FAMILIES

Tuesday, March 18, 1997, 8:30 am. Hearing Rooms 3 and 4. CANCELLED

To be considered - Executive Session - HB 723, Executive Session - HB 372, Executive Session - HB 650, Executive Session - HB 629, Executive Session - HB 789

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 19, 1997, 8:00 am. Hearing Room 1.

To be considered - Executive Session - HB 723, Executive Session - HB 372, Executive Session - HB 650, Executive Session - HB 629, Executive Session - HB 789

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 19, 1997. Hearing Room 1 upon morning adjournment.

Executive session may follow.

To be considered - HB 70, HB 741

CONSUMER PROTECTION

Tuesday, March 18, 1997, 7:00 pm. Hearing Room 1.

To be considered - HB 748, HB 784, HB 505, HB 506, HB 605, HB 695

CRIMINAL LAW

Wednesday, March 19, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 501, HB 697, HB 164, HB 496, HB 739, HB 707, HB 632, HB 777

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 18, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 661, HB 785, HB 787, Executive Session - HB 105, Executive Session - HB 245, Executive Session - HB 359, Executive Session - HB 373, Executive Session - HB 405

ELECTIONS

Tuesday, March 18, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 678, HB 691, HB 712, HB 666, HB 734

JUDICIARY

Tuesday, March 18, 1997. Hearing Room 5 upon morning adjournment.

To be considered - HB 181, HB 191, HB 582, HB 669

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 18, 1997. Hearing Room 4 upon morning adjournment.

Executive session will follow.

To be considered - HB 763, HB 756, HB 749, HB 768, HB 340, HB 289, HB 771, HB 760

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 18, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 679, HB 737, HB 751, HB 765, HB 769, HB 773, HB 776,

HB 778, HB 783

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 18, 1997, 8:00 pm. Hearing Room 5.

To be considered - HB 701

TRANSPORTATION

Wednesday, March 19, 1997, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - HJR 19, HB 772

WAYS AND MEANS

Tuesday, March 18, 1997. Hearing Rooms 1 and 2 upon morning adjournment.

Executive session to follow. AMENDED

To be considered - HB 161, HB 639, HB 324, HB 429, HB 634, HJR 10, HB 792

**HOUSE CALENDAR**

THIRTY-EIGHTH DAY, TUESDAY, MARCH 18, 1997

**HOUSE BILL FOR SECOND READING**

HB 836

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HJR 2 - Kreider

HCS HJR 9 - Lumpe

HJR 12 - Green

HJR 16 - Farnen

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 529, as amended, - Crump

2 HCS HB 335 - Harlan

3 HB 339, HCA 1 - Kreider

4 HCS HB 600 & 388 - Carter

5 HB 193 - Auer

6 HCS HB 528 - Wiggins

7 HCS HB 100 - Williams (121)

8 HCS HB 493 & 39 - Farnen

9 HCS HB 426, 576 & 567 - Luetkenhaus

10 HCS HB 472 - Luetkenhaus

11 HCS HB 738 - Hosmer

12 HB 338 - Gunn

13 HCS HB 369 - Clayton

14 HB 660 - Lumpe

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HCS HB 411 - Dougherty

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 6, 1997)

1 HB 797 - Kissell

2 HB 379 - Franklin

3 HB 386 - Carter

4 HB 612 - Auer

5 HB 604 - Fritts

6 HB 791 - Stoll

7 HB 521 - Fitzwater

8 HB 543 - Franklin

9 HB 482 - Franklin

10 HB 169 - Skaggs

11 HB 628 - Froelker

(March 17, 1997)

12 HB 689 - Foley

13 HB 41 - Hosmer

14 HB 343 - Kelly (27)

15 HB 622 - Lakin

16 HB 126 - Dougherty

17 HB 249 - Kreider

18 HB 655 - May (108)

19 HB 125 - Heckemeyer

20 HB 652 - Backer

21 HB 609 - Summers

22 HB 793 - Auer

23 HB 761 - Hartzler (123)

24 HB 709 - Foley

25 HB 31 - Backer

26 HB 700 - Legan

27 HB 63 - Griesheimer

28 HB 124 - Dougherty

29 HB 692 - Luetkenhaus

30 HB 318 - Clayton

31 HB 711 - Hartzler (124)

32 HB 394 - Loudon

33 HB 727 - McBride

**HOUSE BILLS FOR THIRD READING**

HB 34 - Bland

HCS HB 356 - Skaggs

HB 630, (Budget Fiscal, 3-4-97) - Boucher

HS HB 390, (Budget Fiscal, 3-17-97) - Hoppe

HCS HB 450 - Green

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 59, E.C. - Hosmer

2 HB 172 - Leake

3 HB 327 - McBride

4 HB 633, E.C. - Leake

5 HB 150 - Gaskill

6 HB 626 - Liese

7 HB 387 - Smith

8 HB 319 - Fritts

9 HB 244 - Hosmer

10 HB 95 - Long

11 HB 651 - Schilling

12 HB 300 - Barry

13 HB 104 - Bonner

14 HB 250 - Graham (106)

15 HB 309 - Treadway

16 HB 610 - Hosmer

17 HB 265 - Richardson

18 HB 88 - Smith

19 HB 520 - Green

20 HB 213 - Treadway

21 HB 438 - Fritts

22 HB 207 - Koller

23 HB 123 - Howerton

24 HB 566 - Treadway

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 166, (2-19-97 pg. 355) - Williams (121)


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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-EIGHTH DAY, Tuesday, March 18, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"How great are his signs, how mighty his wonders." (Dan. 4:3).

As the saying goes, "mother always said there would be days like this." Soggy rain, overcast, somewhere in between winter blahs and spring brightness. Gracious God, we probably should welcome and embrace days like this, but it is not easy to do, especially if we are also feeling the blues as we settle in after spring break. The ancient wise and holy ones advise us to face those days of lesser energy and enthusiasm positively, letting the dark clouds hang for a while over our souls, not wishing them away but letting them be for now. They will pass. For now, we let them be and wait.

We add a prayer today for those who are afraid of a mouse - those with the new computers. Significantly they were installed on St. Patrick's Day - so there are no snakes to swallow them when they rebel and refuse to respond even to our loving, gentle commands! Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tiffany Robertson, Haley Morrissey, Anna Marie Sasfai, Jeffrey Murray, Dawn Lynch, Cookie Joy, Jacquette Caskey, Max Anderson, Katie Ford, William Fambrough III, Phillip Lewis, Erika Streator, Jenny Watson, Meagan Holdman, Bruce Franks, Sara Luebbers, Jonathan Schanuel, Matthew Schanuel, Lindsey Morales, Michelle D. Anderson, and Elizabeth Hornbeck. .

The Journal of the thirty-seventh day was approved as corrected.

**RESOLUTIONS**

Representative May (108) offered House Resolution No. 397, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 398.

HOUSE RESOLUTION NO. 398

BE IT RESOLVED by the House of Representatives, that the time for introduction of bills into the House of Representatives, First Regular Session of the Eighty-ninth General Assembly, shall terminate at 5:00 p.m., Tuesday, March 25, 1997, unless unanimous consent for the introduction of bills be acquired, or unless the Constitution provides for introduction under other circumstances.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 398 was adopted by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 002

Gibbons Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland Hand Sheldon 104 Thompson 37

VACANCY: 001

Representative Patek offered House Resolution Nos. 399 and 400, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Parker offered House Resolution No. 401, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILL**

**HB 836** was read the second time.

**PERFECTION OF HOUSE BILL - FEDERAL MANDATE**

**HCS HB 411**, relating to child support enforcement, was taken up by Representative Dougherty.

Representative Dougherty offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 411, Page 1, Section A, Line 3, by deleting the numbers "454.430, 454.432,"; and

Further amend said bill, Page 2, Section A, Line 6, by deleting the phrase ", 620.145 and 701.316" and inserting in lieu thereof the phrase "and 620.145"; and

Further amend said bill, Page 8, Section 208.055, Lines 20 to 22, by deleting all of said lines and inserting in lieu thereof the following:

"**2. For purposes of this section, "public assistance means any income support benefit, including, but not limited to, money, or payments for child care, institutional care, medical care, dental care, psychiatric or psychological service, or shelter, except temporary shelter. Public assistance**"; and

Further amend said bill, Page 55, Section 454.507, Line 41, by inserting after the word "**elects**" the word "**not**"; and

Further amend said bill, Page 86, Section 454.973, Line 2, by inserting a comma "**,**" after the word "**apply**"; and

Further amend said bill, Page 92, Section 454.1005, Line 18, by deleting the word "**one**" and inserting in lieu

thereof the word "**two**"; and

Further amend said bill, Page 96, Section 454.1023, Line 5, by deleting the word "**one**" and inserting in lieu thereof the word "**two**".

On motion of Representative Dougherty, House Amendment No. 1 was adopted.

Representative Dougherty offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 411, Page 43, Section 454.475, Line 42, by deleting the number "452.340" and inserting in lieu thereof the number "454.490".

On motion of Representative Dougherty, House Amendment No. 2 was adopted.

Representative Crawford offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 411, Page 48, Section 454.498, Line 8, by inserting after the ";" the word **or**.

On motion of Representative Crawford, House Amendment No. 3 was adopted.

Representative Champion offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 411, Page 39, Section 454.470, Line 6, by deleting after word "be" the words "sent by regular mail" and adding the word **provided**.

Further amend Line 7, by deleting the "period" after the word "child" and adding the words **within 14 days**.

On motion of Representative Champion, House Amendment No. 4 was adopted.

Speaker Pro Tem Kreider assumed the Chair.

Representative Hartzler (124) offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 411, Page 53, Section 454.505, Line 110, by deleting the words "five hundred" and inserting the words "one hundred".

Representative Hartzler (124) moved that Rule 49(e) be suspended and House Amendment No. 5 be adopted.

Representative Crump requested a division of the question.

**Part I**

Suspend Rule 49(e).

**Part II**

Offering non-technical House Amendment No. 5 to a Federal Mandate bill.

On motion of Representative Hartzler (124) Part I of the division was adopted by the following vote:

AYES: 083

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bauer Bennett 15 Berkstresser Boatright Bonner
Broach Burton Champion Chrismer Cierpiot
Cooper Crawford Daniel 42 Daniels 41 Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Foster Froelker Gaskill Gaston Gibbons
Graham 106 Gratz Green Griesheimer Gross
Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson
Hohulin Holand Howerton Kasten Kauffman
Kelley 47 Kissell Legan Levin Linton
Lograsso Loudon Luetkenhaus Marble McClelland
Miller Murphy Naeger Nordwald Ostmann
Patek Pouche Pryor Purgason Reinhart
Reynolds Richardson Ridgeway Robirds Ross
Sallee Schwab Scott Secrest Shields
Steen Summers Surface Townley Troupe
Vogel Wannenmacher Wooten

NOES: 074

Auer Backer Barry 100 Bland Boucher
Bray 84 Campbell Carter Clayton Crump
Davis 63 Davis 122 Days DeMarce Dougherty
Farmer Farnen Fitzwater Foley Ford
Franklin Fritts Goward Gunn Hagan-Harrell
Harlan Heckemeyer Hickey Hollingsworth Hoppe
Hosmer Johnson Kelly 27 Kennedy Koller
Kreider Lakin Lawson Leake Liese
Lumpe May 108 Mays 50 McBride McLuckie
Monaco Murray O'Connor O'Toole Overschmidt
Parker Ransdall Relford Rizzo Scheve
Schilling Seigfreid Shear Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Van Zandt Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Graham 24 Hand Long Sheldon 104

VACANCY: 001

**HCS HB 411, as amended, with Part I of the division, adopted and Part II, adopting House Amendment No. 5, of the division, pending**, was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 112**, entitled:

An act to repeal sections 89.100 and 89.110, RSMo 1994, relating to appeals from boards of zoning adjustment, and to enact two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 318**, entitled:

An act relating to the authorization of the conveyance of certain lands by the department of mental health in Jackson County.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 347**, entitled:

An act to repeal section 191.677, RSMo 1994, relating to health and welfare, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 387**, entitled:

An act to repeal section 528.600, RSMo 1994, relating to the sale of certain property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

**RESOLUTIONS**

Representative Clayton offered House Resolution No. 402, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 403, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Champion offered House Concurrent Resolution No. 26.

**PERFECTION OF HOUSE BILL - FEDERAL MANDATE**

**HCS HB 411, as amended, with Part I of the division adopted and Part II of the division, adopting House Amendment No. 5, pending,** relating to child support enforcement, was again taken up by Representative Dougherty.

**Part II**

**Adoption of House Amendment No. 5.**

**Representative Lograsso offered House Substitute Amendment No. 1 for House Amendment No. 5.**

**House Substitute Amendment No. 1 for House Amendment No. 5 was withdrawn.**

**Representative Hartzler (124) moved that House Amendment No. 5 be adopted.**

**Which motion was defeated.**

**Representative Crawford offered House Amendment No. 6.**

***House Amendment No. 6***

**AMEND House Committee Substitute for House Bill No. 411, Page 48, Section 454.498, Line 9, by deleting lines 9 and 10, Page 48 of Section 454.498; and further amend subsection (3), Line 11, by adding after the word "methods" and before the word "to", the following: "(including automated comparisons with wage or state income tax data)" and further amend subsection, at the end of line 12, the following: "to the orders eligible for adjustment under any threshold that may be established by the state."**

**On motion of Representative Crawford, Rule 49(e) was suspended and House Amendment No. 6 was adopted.**

**Representative Gibbons offered House Amendment No. 7.**

***House Amendment No. 7***

**AMEND House Committee Substitute for House Bill No. 411, Page 28, Section 454.400, Line 49, by deleting the words: "or such shorter cycle as the division may establish,"**

**Representative Gibbons moved that Rule 49 (e) be suspended and House Amendment No. 7 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 071**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**
**Bauer Bennett 15 Berkstresser Boatright Broach**
**Burton Champion Chrismer Cierpiot Cooper**
**Crawford Dolan Edwards-Pavia Elliott Enz**
**Evans Foster Froelker Gaskill Gaston**
**Gibbons Graham 106 Griesheimer Gross Hall**
**Hartzler 123 Hartzler 124 Hegeman Hohulin Holand**
**Howerton Kelley 47 Legan Levin Linton**
**Lograsso Long Loudon Luetkenhaus Marble**
**McClelland Miller Murphy Nordwald Ostmann**
**Patek Pouche Pryor Purgason Reinhart**
**Richardson Ridgeway Robirds Ross Sallee**
**Schwab Scott Secrest Shields Steen**
**Summers Surface Townley Vogel Wannenmacher**
**Wooten**

**NOES: 084**

**Auer Backer Barry 100 Bland Bonner**
**Boucher Bray 84 Campbell Carter Clayton**
**Crump Daniel 42 Daniels 41 Davis 63 Davis 122**
**Days DeMarce Donovan Dougherty Farmer**
**Farnen Fitzwater Ford Franklin Fritts**
**Goward Graham 24 Gratz Green Gunn**
**Hagan-Harrell Harlan Heckemeyer Hendrickson Hickey**
**Hollingsworth Hoppe Hosmer Johnson Kasten**
**Kelly 27 Kennedy Kissell Koller Kreider**
**Lakin Lawson Leake Liese Lumpe**
**May 108 Mays 50 McBride McLuckie Monaco**
**Murray Naeger O'Connor O'Toole Overschmidt**
**Parker Ransdall Relford Reynolds Rizzo**
**Scheve Schilling Seigfreid Shelton 57 Skaggs**
**Smith Stokan Stoll Stroker Tate**
**Thomason 163 Thompson 37 Troupe Van Zandt Wiggins**
**Williams 121 Williams 159 Wilson Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 007**

**Copeland Foley Hand Kauffman Shear**

**Sheldon 104 Treadway**

**VACANCY: 001**

**Representative Hartzler (124) offered House Amendment No. 8.**

***House Amendment No. 8***

**AMEND House Committee Substitute for House Bill No. 411, Page 53, Section 454.505, Line 110, by deleting the word "five hundred" and inserting the words "one hundred fifty".**

**On motion of Representative Hartzler (124), Rule 49 (e) was suspended and House Amendment No. 8 was adopted by the following vote:**

**AYES: 096**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bauer Bennett 15 Berkstresser Boatright Bonner**

**Broach Burton Carter Champion Chrismer**

**Cierpiot Cooper Crawford Daniels 41 Dolan**

**Edwards-Pavia Elliott Enz Evans Farnen**

**Ford Foster Fritts Froelker Gaskill**

**Gaston Gibbons Goward Graham 106 Gratz**

**Griesheimer Gross Hall Hartzler 123 Hartzler 124**

**Heckemeyer Hegeman Hendrickson Hohulin Holand**

**Hollingsworth Howerton Kasten Kelley 47 Kissell**

**Lawson Leake Legan Levin Liese**

**Linton Lograsso Long Loudon Marble**

**Mays 50 McBride McClelland Miller Murphy**

**Naeger Nordwald Ostmann Parker Patek**

**Pouche Pryor Purgason Ransdall Reinhart**

**Relford Richardson Robirds Ross Sallee**

**Schwab Scott Secrest Shields Smith**

**Steen Summers Surface Thomason 163 Townley**

**Troupe Vogel Wannenmacher Wiggins Williams 159**

**Wooten**

**NOES: 060**

**Auer Backer Barry 100 Bland Boucher**

**Bray 84 Campbell Clayton Crump Daniel 42**

**Davis 63 Davis 122 Days DeMarce Donovan**

**Dougherty Farmer Fitzwater Foley Franklin**

**Graham 24 Green Gunn Hagan-Harrell Harlan**

**Hickey Hoppe Hosmer Johnson Kelly 27**

**Kennedy Koller Kreider Lakin Luetkenhaus**

**Lumpe May 108 McLuckie Monaco Murray**

**O'Connor O'Toole Overschmidt Reynolds Rizzo**

**Scheve Schilling Seigfreid Shear Shelton 57**

**Skaggs Stokan Stoll Stroker Tate**

**Thompson 37 Van Zandt Williams 121 Wilson Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 006**

**Copeland Hand Kauffman Ridgeway Sheldon 104**

**Treadway**

**VACANCY: 001**

**Representative Evans offered House Amendment No. 9.**

***House Amendment No. 9***

**AMEND House Committee Substitute for House Bill No. 411, Page 3 and 4, Section 193.087, Lines 1 through 30, by deleting all of said section and inserting in lieu thereof the following:**

**193.087. 1. In addition to the requirements of subsection 2 of section 193.085, when a birth occurs to an unmarried mother, whether in an institution or en route thereto, the person in charge of the institution or a designated representative shall;**

**(1) Provide a form or affidavit prescribed by the state registrar that [can] shall be completed by the child's mother and father to voluntarily acknowledge paternity of the child as provided in section 193.215 [, and file the form];**

**(2) Make four copies of the signed affidavit, when completed, and file the original affidavit with the state registrar along with the certificate required by [this section. This person or designee shall] section 193.085;**

**(3) Send one copy of the signed affidavit to the department of social services, one copy to each of the affiants and retain one copy; and**

**(4) Provide oral and written information to the affiant, furnished by the division of child support enforcement of the department of social services, regarding:**

**[(1)] (a) The implications of signing the affidavit acknowledging paternity, including parental rights and responsibilities;**

**[(2)] (b) The benefits of having the child's paternity established;**

**[(3)] (c) The availability of paternity establishment and child support enforcement services.**

**2. The affidavit provided for in subsection 1 of this section shall contain:**

**(1) A sworn statement by the mother consenting to the assertion of paternity and affirming that the affiant father is the child's biological father;**

**(2) A statement by the affiant father that he is the child's biological father; and**

**(3) Valid social security numbers, driver's license numbers and addresses of both affiants.**

**[2.] 3. Any institution, the person in charge or a designated representative is immune from civil or criminal liability for providing the form or affidavit required by [subsection] subsections 1 and 2 of this section, the information developed pursuant to [that subsection] those subsections, or otherwise fulfilling the duties required by [subsection] subsections 1 and 2 of this section.**

**[3.] 4. The division of child support enforcement may contract with the department of health to provide assistance and training to the hospital staff assigned responsibility for providing the information, as appropriate, to carry out duties provided in [subsection] subsections 1 and 2 of this section. The division of child support enforcement shall develop and distribute free of charge the information on the rights and responsibilities of parents that is required to be distributed pursuant to subsection 1 of this section. The department of health shall provide free of charge to hospitals the acknowledgement of paternity affidavit, and instructions on the completion of the affidavit.**

**[4.] 5. If no contract is developed with the department of health, then the division of child support enforcement shall provide the assistance and training activities to hospitals that are provided for in subsection [3] 4 of this section.**

**6. Any affiant who intentionally misidentifies another person as a parent may be prosecuted for perjury, pursuant to section 575.040.**

**7. Due to lack of cooperation by public assistance recipients, the division shall either suspend the entire public assistance cash grant, or remove the needs of the adult recipient of public assistance from the cash grant, subject to good cause exceptions pursuant to federal law or regulations.**

**On motion of Representative Evans, Rule 49(e) was suspended and House Amendment No. 9 was adopted by the following vote:**

**AYES: 137**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15**

**Berkstresser Boatright Bonner Boucher Broach**

**Burton Campbell Champion Chrismer Cierpiot**

**Cooper Crawford Crump Daniel 42 Daniels 41**

**DeMarce Dolan Donovan Dougherty Edwards-Pavia**

**Elliott Enz Evans Farnen Fitzwater**

**Foley Foster Fritts Froelker Gaskill**

**Gaston Gibbons Graham 24 Graham 106 Gratz**

**Green Griesheimer Gross Gunn Hall**

**Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman**

**Hendrickson Hickey Hohulin Holand Hollingsworth**

**Hoppe Hosmer Howerton Johnson Kasten**

**Kauffman Kelley 47 Kelly 27 Kennedy Kissell**

**Koller Kreider Lawson Leake Legan**

**Levin Liese Linton Lograsso Long**

**Loudon Luetkenhaus Lumpe Marble May 108**

**Mays 50 McBride McClelland Miller Monaco**

**Murphy Murray Naeger Nordwald O'Connor**

**O'Toole Ostmann Overschmidt Parker Patek**

**Pouche Pryor Purgason Ransdall Reinhart**

**Relford Reynolds Richardson Ridgeway Robirds**

**Ross Sallee Schilling Schwab Scott**

**Secrest Seigfreid Shields Skaggs Smith**

**Steen Stokan Stoll Stroker Summers**

**Surface Tate Thomason 163 Townley Troupe**

**Vogel Wannenmacher Wiggins Williams 121 Williams 159**

**Wilson Wooten**

**NOES: 019**

**Bland Bray 84 Carter Clayton Davis 63**

**Davis 122 Days Farmer Franklin Goward**

**Hagan-Harrell McLuckie Rizzo Scheve Shear**

**Shelton 57 Thompson 37 Van Zandt Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 006**

**Copeland Ford Hand Lakin Sheldon 104**

**Treadway**

**VACANCY: 001**

**Representative Edwards-Pavia offered House Amendment No. 10.**

***House Amendment No. 10***

**AMEND House Committee Substitute for House Bill No. 411, Section 454.1025, Line 5, by adding after the word "occurs" the following:**

**In addition to the actions to suspend or withhold licenses pursuant to Chapter 454, a court or the director of the division of child support enforcement may restrict such licenses in accordance with the provisions of this chapter.**

**On motion of Representative Edwards-Pavia, Rule 49(e) was suspended and House Amendment No. 10 was adopted by the following vote:**

**AYES: 146**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser**

**Bland Boatright Boucher Bray 84 Broach**

**Burton Campbell Carter Champion Cierpiot**

**Clayton Crawford Crump Daniel 42 Daniels 41**

**Davis 63 Davis 122 Days DeMarce Dolan**

**Donovan Dougherty Edwards-Pavia Elliott Enz**

**Evans Farmer Farnen Fitzwater Foster**

**Fritts Froelker Gaskill Gaston Gibbons**

**Goward Graham 24 Graham 106 Gratz Green**

**Griesheimer Gross Gunn Hagan-Harrell Hall**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**

**Hickey Hohulin Holand Hollingsworth Hoppe**

**Hosmer Howerton Johnson Kasten Kauffman**

**Kelley 47 Kelly 27 Kennedy Kissell Koller**

**Kreider Lakin Lawson Leake Legan**

**Levin Liese Linton Lograsso Long**

**Loudon Luetkenhaus Marble May 108 Mays 50**

**McBride McClelland Miller Monaco Murphy**

**Murray Naeger Nordwald O'Connor O'Toole**

**Ostmann Overschmidt Parker Patek Pouche**

**Pryor Purgason Ransdall Reinhart Relford**

**Reynolds Richardson Ridgeway Rizzo Robirds**

**Ross Sallee Scheve Schilling Schwab**

**Secrest Seigfreid Shear Shelton 57 Shields**

**Skaggs Smith Steen Stokan Stoll**

**Stroker Summers Surface Tate Thomason 163**

**Thompson 37 Townley Troupe Van Zandt Vogel**

**Wannenmacher Williams 121 Williams 159 Wilson Wooten**

**Mr. Speaker**

**NOES: 000**

**PRESENT: 000**

**ABSENT WITH LEAVE: 016**

**Bartelsmeyer Bonner Chrismer Cooper Copeland**

**Foley Ford Franklin Hand Harlan**

**Lumpe McLuckie Scott Sheldon 104 Treadway**

**Wiggins**

**VACANCY: 001**

**Representative Lograsso offered House Amendment No. 11.**

***House Amendment No. 11***

**AMEND House Committee Substitute for House Bill No. 411, Page 98, Section B, Line 5, by adding at the end thereof the following:**

**"The Division of Child Support Enforcement shall be liable to the obligor, at a minimum, for ten times the monthly child support if the division takes action against the obligor by mistake. Notwithstanding any other provision of law and in addition to the amount recoverable as listed above, the obligor shall be allowed to file suit against the division in local circuit court for the recovery of any amount related to damages caused to the obligor by any mistake generated by the division. Any information need by the obligor to support their case is discoverable unless otherwise closed by law. In addition, if the obligor prevails in the case, the division shall be responsible for reasonable attorney fees."**

**Representative Lograsso moved that Rule 49(e) be suspended and House Amendment No. 11 be adopted.**

**Representative Hickey requested a division of the question.**

**Part I**

**Suspend Rule 49(e).**

**Part II**

**Offering non-technical House Amendment No. 11 to a Federal Mandate bill.**

**Representative Lograsso moved that Part I be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 072**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bauer Bennett 15 Berkstresser Boatright Broach**

**Burton Champion Chrismer Cierpiot Cooper**

**Crawford Dolan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 106 Griesheimer Gross Hall**

**Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin**

**Holand Howerton Kasten Kelley 47 Legan**

Levin Linton Lograsso Long Loudon

Marble McClelland Miller Murphy Naeger

Nordwald Ostmann Patek Pouche Pryor

Purgason Reinhart Reynolds Richardson Ridgeway

Robirds Ross Sallee Schwab Secrest

Shields Steen Summers Surface Townley

Vogel Wannenmacher

NOES: 082

Auer Backer Barry 100 Bland Bonner

Boucher Bray 84 Campbell Carter Clayton

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Donovan Dougherty Farmer Farnen

Fitzwater Franklin Fritts Goward Graham 24

Gratz Green Gunn Hagan-Harrell Harlan

Heckemeyer Hickey Hollingsworth Hoppe Hosmer

Johnson Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus Lumpe May 108 Mays 50

McBride McLuckie Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Rizzo Scheve Schilling Seigfreid Shear

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Tate Thomason 163 Thompson 37 Troupe

Van Zandt Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Copeland Daniels 41 Foley Ford Hand

Scott Sheldon 104 Treadway

VACANCY: 001

On motion of Representative Dougherty, HCS HB 411, as amended, was adopted.

On motion of Representative Dougherty, HCS HB 411, as amended, was ordered perfected and printed.

PERFECTION OF HOUSE JOINT RESOLUTION

**HCS HJR 9, relating to school district tax rates, was taken up by Representative Lumpe.**

**Representative Lumpe offered House Amendment No. 1.**

***House Amendment No. 1***

**Amend House Committee Substitute for House Joint Resolution No. 9, Page 1, Section 11(b), article X, Constitution of Missouri, Line 8, by deleting the bracket immediately in front of the word "formed"; and**

**Further amend said resolution, Page 1, Section 11(b), article X, Constitution of Missouri, Line 9, by by deleting the words "one dollar and twenty-five" and inserting in lieu thereof the following: "[one dollar and twenty-five] two dollars and seventy-five"; and**

**Further amend said resolution, Section 11(b), article X, Constitution of Missouri, Page 2, Line 10, by striking the closing bracket immediately following the word "sixty-five" and also striking the words "two dollars and seventy-five" .**

**On motion of Representative Lumpe, House Amendment No. 1 was adopted.**

**Representative Patek requested a division of the question on HCS HJR 9.**

**Part II of HCS HJR 9.**

**Representative Patek offered House Amendment No. 1 to Part II.**

***House Amendment No. 1***

***to***

***Part II***

**AMEND Part II of House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11c, Line 6, by striking the word "six" and inserting in lieu thereof the word "five".**

**Representative Shields offered House Substitute Amendment No. 1 for House Amendment No. 1 to Part II.**

**House Substitute Amendment No. 1 for House Amendment No. 1 to Part II was withdrawn.**

**Representative Patek offered House Substitute Amendment No. 1 for House Amendment No. 1 to Part II.**

**House Substitute Amendment No. 1 for House Amendment No. 1 to Part II was withdrawn.**

**Representative Patek offered House Substitute Amendment No. 1 for House Amendment No. 1 to Part II.**

***House Substitute Amendment No. 1***

***for***

***House Amendment No. 1***

***to***

***Part II***

**AMEND Part II of House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11c, Line 6, by striking the word "six" and inserting in lieu thereof the word "five", and inserting after the word valuation on line 7, the following: "except for any school district whose operating levy for school purposes for the 1995 tax year which was established pursuant to a federal court order shall be six dollars on the hundred dollars assessed**

valuation"

Representative Patek moved that House Substitute Amendment No. 1 for House Amendment No. 1 to Part II be adopted.

Which motion was defeated by the following vote:

AYES: 061

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Champion

Chrismer Cierpiot Crawford Dolan Edwards-Pavia

Elliott Enz Evans Foster Froelker

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hall Hartzler 124 Hegeman Hohulin

Howerton Legan Levin Linton Lograsso

Long Loudon Marble Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Sallee Schwab Scott Secrest Shields

Steen Summers Surface Townley Vogel

Wannenmacher

NOES: 095

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Broach Campbell

Carter Clayton Cooper Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Farmer Farnen Fitzwater

Foley Franklin Fritts Goward Graham 24

Gratz Green Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Johnson Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Liese

Luetkenhaus Lumpe May 108 Mays 50 McBride

McClelland McLuckie Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Reynolds Rizzo Robirds Ross Scheve

Schilling Seigfreid Shear Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

**Thomason 163 Thompson 37 Troupe Van Zandt Wiggins**

**Williams 121 Williams 159 Wilson Wooten Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 006**

**Copeland Ford Hand Kasten Sheldon 104**

**Treadway**

**VACANCY: 001**

**Representative Patek moved that House Amendment No. 1 to Part II be adopted.**

**Which motion was defeated.**

**Representative Hall offered House Amendment No. 2 to Part II.**

***House Amendment No. 2***

***to***

***Part II***

**AMEND Part II of House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11(c), Lines 4 and 8, by deleting the words "voting thereon" on each of said lines.**

**Representative Hall moved that House Amendment No. 2 to Part II be adopted.**

**Which motion was defeated.**

**On motion of Representative Lumpe, Part II of HCS HJR 9 was adopted.**

**Part III of HCS HJR 9.**

**Representative Scheve assumed the Chair.**

**Representative Levin offered House Amendment No. 1 to Part III.**

**House Amendment No. 1 to Part III was withdrawn.**

**On motion of Representative Lumpe, Part III of HCS HJR 9 was adopted.**

**Part I of HCS HJR 9.**

**On motion of Representative Lumpe, Part I of HCS HJR 9 was adopted.**

**Representative Levin offered House Amendment No. 2.**

***House Amendment No. 2***

**AMEND House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11, by adding an additional section following line 9:**

**No public resources shall be used to support or oppose this amendment, including public school resources.**

**Representative Levin moved that House Amendment No. 2 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 067**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Champion Chrismer Cierpiot Cooper Crawford**

**Dolan Donovan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 106 Griesheimer Gross Hall**

**Hartzler 124 Hegeman Hendrickson Hohulin Howerton**

**Kasten Kelley 47 Legan Levin Linton**

**Lograsso Long Loudon Marble Miller**

**Murphy Naeger Nordwald Ostmann Patek**

**Pouche Pryor Purgason Reinhart Richardson**

**Ridgeway Robirds Sallee Schwab Scott**

**Secrest Shields Steen Summers Surface**

**Townley Vogel**

**NOES: 083**

**Auer Backer Barry 100 Bauer Bland**

**Bonner Boucher Bray 84 Campbell Carter**

**Clayton Crump Daniels 41 Davis 63 Davis 122**

**Days DeMarce Dougherty Farnen Fitzwater**

**Foley Franklin Fritts Goward Graham 24**

**Gratz Green Gunn Hagan-Harrell Hartzler 123**

**Heckemeyer Hickey Holand Hollingsworth Hoppe**

**Johnson Kauffman Kelly 27 Kennedy Kissell**

**Koller Kreider Lakin Lawson Leake**

**Liese Luetkenhaus Lumpe May 108 Mays 50**

**McBride McClelland McLuckie Monaco Murray**

**O'Connor O'Toole Overschmidt Parker Ransdall**

**Relford Reynolds Rizzo Ross Scheve**

**Schilling Seigfreid Shear Shelton 57 Skaggs**

**Smith Stokan Stoll Stroker Tate**

Thomason 163 Thompson 37 Van Zandt Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Copeland Daniel 42 Farmer Ford Hand

Harlan Hosmer Sheldon 104 Treadway Troupe

Wannenmacher Wooten

VACANCY: 001

Representative Akin offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Joint Resolution No. 9, Page 2, Section 11g, Line 9, by adding after line 9 a new section:

The changes in the previous sections regarding the change in percentages requiring a simple majority vote necessary for tax increases shall apply only in November elections.

Representative Green raised a point of order that House Amendment No. 3 is amending previously adopted material.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Akin moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 018

Akin Alter Ballard Bartelsmeyer Berkstresser

Burton Chrismer Elliott Gaskill Hohulin

Linton Loudon Murphy Purgason Richardson

Scott Surface Townley

NOES: 128

Backer Barnett 4 Barry 100 Bauer Bennett 15

Bland Boatright Bonner Boucher Bray 84

Broach Campbell Carter Champion Cierpiot

Clayton Cooper Crawford Crump Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Dougherty Edwards-Pavia Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Ransdall Reinhart Relford

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Shelton 57 Shields Smith

Steen Stokan Stoll Stroker Summers

Tate Thomason 163 Van Zandt Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Copeland Daniel 42 Donovan Ford

Hall Hand Long Sheldon 104 Skaggs

Thompson 37 Treadway Troupe Vogel Wannenmacher

Wooten

VACANCY: 001

On motion of Representative Lumpe, HCS HJR 9, as amended, was adopted.

On motion of Representative Lumpe, HCS HJR 9, as amended, was ordered perfected and printed by the following vote:

AYES: 111

Backer Barnett 4 Barry 100 Bland Boucher

Bray 84 Broach Campbell Carter Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Dougherty Enz Farmer Farnen
Fitzwater Foley Ford Franklin Fritts
Gaston Gibbons Goward Graham 24 Gratz
Green Gross Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Kreider Lakin Lawson Leake Long
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Monaco Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Robirds Ross
Scheve Schilling Schwab Seigfreid Shear
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Tate
Thomason 163 Thompson 37 Townley Troupe Van Zandt
Vogel Wiggins Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 040

Akin Alter Ballard Bartelsmeyer Bauer
Bennett 15 Berkstresser Boatright Bonner Burton
Champion Chrismer Edwards-Pavia Elliott Evans
Foster Froelker Gaskill Graham 106 Griesheimer
Hickey Hohulin Hoppe Legan Levin
Linton Lograsso Loudon Marble Miller
Murphy Nordwald Richardson Ridgeway Rizzo
Sallee Scott Secrest Surface Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Copeland Donovan Gunn Hall
Hand Koller Liese Sheldon 104 Treadway
Wooten

**VACANCY: 001**

**COMMITTEE REPORTS**

**Committee on Consumer Protection, Chairman McLuckie reporting:**

**Mr. Speaker: Your Committee on Consumer Protection, to which was referred HB 654, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Consumer Protection, to which was referred HB 713, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Education - Higher, Chairman Scheve reporting:**

**Mr. Speaker: Your Committee on Education - Higher, to which was referred HB 663, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations, Chairman Sheldon (104) reporting:**

**Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 769, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 773, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred HB 783, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Public Health and Safety, Chairman Bland reporting:**

**Mr. Speaker: Your Committee on Public Health and Safety, to which was referred HB 643, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Mr. Speaker: Your Committee on Public Health and Safety, to which was referred HB 762, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**REFERRAL OF HOUSE JOINT RESOLUTIONS**

**The following House Joint Resolutions were referred to the Committee indicated:**

**HJR 21 - Civil and Administrative Law**

**HJR 22 - Civil and Administrative Law**

**HJR 23 - Ways and Means**

**HJR 24 - Critical Issues**

**REFERRAL OF HOUSE BILLS**

**The following House Bills were referred to the Committee indicated:**

**HCS HB 212 - Budget (Fiscal Note)**

HB 747 - Social Services, Medicaid and the Elderly

HB 795 - Social Services, Medicaid and the Elderly

HB 809 - Retirement

HB 810 - Ways and Means

HB 811 - Children, Youth and Families

HB 812 - Criminal Law

HB 813 - Local Government and Related Matters

HB 814 - Motor Vehicle and Traffic Regulations

HB 816 - Local Government and Related Matters

HB 817 - Retirement

HB 818 - Children, Youth and Families

HB 819 - Environment and Energy

HB 820 - Correctional and State Institutions

HB 821 - Children, Youth and Families

HB 822 - Critical Issues

HB 823 - Correctional and State Institutions

HB 824 - Critical Issues

HB 825 - Consumer Protection

HB 826 - Motor Vehicle and Traffic Regulations

HB 827 - Retirement

HB 828 - Civil and Administrative Law

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and 1,000 copies ordered printed:

HB 837, introduced by Representative Kennedy, relating to certain police retirement and pension systems.

HB 838, introduced by Representative Scheve, relating to school board elections.

HB 839, introduced by Representative Farnen, relating to purple heart medal license plates.

HB 840, introduced by Representative Reynolds, relating to newborn screening tests.

HB 841, introduced by Representative Shear, relating to firearm safety.

HB 842, introduced by Representative Stoll, relating to the practice of chiropractic.

HB 843, introduced by Representative Broach, relating to regulation of blasting.

HB 844, introduced by Representative Richardson, relating to county prosecutors.

HB 845, introduced by Representative Lakin, relating to the Missouri certificate of need.

## WITHDRAWAL OF HOUSE CONCURRENT RESOLUTION

March 18, 1997

Anne Walker

Chief Clerk of the House

House Post Office

Jefferson City, MO 65101

Dear Anne:

I recently filed HCR 22, but now believe I should withdraw it from consideration. Please instruct your staff to withdraw HCR 22 at my request. Thank you for your assistance.

Respectfully submitted,

/s/ Norma Champion

ADJOURNMENT

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, March 19, 1997.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-seventh Day, Monday, March 17, 1997, pages 573 and 574, roll call, by showing Representatives Chrismer and Bauer voting "aye" rather than "absent with leave".

Pages 578 and 579, roll call, by showing Representative Bauer voting "no" rather than "absent with leave".

Pages 581 and 582, roll call, by showing Representatives Hosmer and Bauer voting "aye" rather than "absent with leave".

Pages 581 and 582, roll call, by showing Representative Long voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

BUDGET

Wednesday, March 19, 1997, 8:30 am. Hearing Room 9. Continuation of

mark-up on FY 1998 Appropriation bills not finished Tuesday night. Executive session

BUDGET

Wednesday, March 19, 1997. Hearing Room 9 upon morning adjournment.

Continuation of mark-up on appropriation bills not finished Wed. a.m. Executive session.

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 19, 1997, 8:00 am. Hearing Room 1.

To be considered - Executive Session - HB 723, Executive Session - HB 372,

Executive Session - HB 650, Executive Session - HB 629, Executive Session - HB 789

CIVIL AND ADMINISTRATIVE LAW

Wednesday, March 19, 1997. Hearing Room 1 upon morning adjournment.

Executive session may follow.

To be considered - HB 70, HB 741

**COMMERCE**

**Wednesday, March 19, 1997, 1:00 pm. Hearing Room 8. Executive session may follow.**

**To be considered - HB 746**

**CONSUMER PROTECTION**

**Wednesday, March 19, 1997. Hearing Room 1 upon evening adjournment.**

**To be considered - Executive Session - HB 748, Executive Session - HB 784, Executive Session - HB 505, Executive Session - HB 506, Executive Session - HB 605, Executive Session - HB 695**

**CORRECTIONAL & STATE INSTITUTIONS**

**Wednesday, March 19, 1997. Side gallery upon morning adjournment.**

**Executive session.**

**CRIMINAL LAW**

**Wednesday, March 19, 1997, 6:00 pm. Hearing Room 7. Executive session may follow.**

**AMENDED NOTICE**

**To be considered - HB 501, HB 697, HB 496, HB 739, HB 707, HB 777, HB 753**

**MISCELLANEOUS BILLS AND RESOLUTIONS**

**Wednesday, March 19, 1997, 9:30 am. Hearing Room 7.**

**To be considered - HR 232**

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

**Wednesday, March 19, 1997. Side gallery upon morning adjournment.**

**Possible executive session.**

**STATE PARKS, NATURAL RESOURCES & MINING**

**Wednesday, March 19, 1997, 1:00 pm. Hearing Room 7. Executive session to follow.**

**To be considered - HR 340, HB 736**

**TRANSPORTATION**

**Wednesday, March 19, 1997, 1:00 pm. Hearing Room 5. Executive session may follow.**

**To be considered - HJR 19, HB 772**

**HOUSE CALENDAR**

**THIRTY-NINTH DAY, WEDNESDAY, MARCH 19, 1997**

**HOUSE BILLS FOR SECOND READING**

**HB 837 through HB 845**

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

**HJR 2 - Kreider**

**HJR 12 - Green**

**HJR 16 - Farnen**

**HJR 18 - Harlan**

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 529, as amended, - Crump**

**2 HCS HB 335 - Harlan**

**3 HB 339, HCA 1 - Kreider**

**4 HCS HB 600 & 388 - Carter**

**5 HB 193 - Auer**

**6 HCS HB 528 - Wiggins**

**7 HCS HB 100 - Williams (121)**

**8 HCS HB 493 & 39 - Farnen**

**9 HCS HB 426, 576 & 567 - Luetkenhaus**

**10 HCS HB 472 - Luetkenhaus**

**11 HCS HB 738 - Hosmer**

**12 HB 338 - Gunn**

**13 HCS HB 369 - Clayton**

**14 HB 660 - Lumpe**

**15 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo**

**16 HB 304, HCA 1 - Ransdall**

**17 HCS HB 276 - Davis (122)**

**18 HB 766, HCA 1 - Harlan**

**19 HCS HB 69 & 179 - Hosmer**

**20 HB 301, HCAs 1 & 2 - Lumpe**

**21 HB 389, HCA 1 - Luetkenhaus**

**22 HCS HB 396 - Hosmer**

**23 HCS HB 146 - Farmer**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**HB 570, as amended - Stoll**

**HCS HB 155, 81 & 171 - Farmer**

**HCS HB 495 - Backer**

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

**HCS HB 288 - Lumpe**

**HB 58 - Thomason (163)**

**HOUSE BILLS FOR PERFECTION - CONSENT**

**(March 6, 1997)**

**1 HB 797 - Kissell**

**2 HB 379 - Franklin**

**3 HB 386 - Carter**

**4 HB 612 - Auer**

**5 HB 604 - Fritts**

**6 HB 791 - Stoll**

**7 HB 521 - Fitzwater**

**8 HB 543 - Franklin**

**9 HB 482 - Franklin**

**10 HB 169 - Skaggs**

**11 HB 628 - Froelker**

**(March 17, 1997)**

**12 HB 689 - Foley**

**13 HB 41 - Hosmer**

**14 HB 343 - Kelly (27)**

**15 HB 622 - Lakin**

**16 HB 126 - Dougherty**

**17 HB 249 - Kreider**

**18 HB 655 - May (108)**

**19 HB 125 - Heckemeyer**

**20 HB 652 - Backer**

**21 HB 609 - Summers**

**22 HB 793 - Auer**

**23 HB 761 - Hartzler (123)**

**24 HB 709 - Foley**

**25 HB 31 - Backer**

**26 HB 700 - Legan**

**27 HB 63 - Griesheimer**

**28 HB 124 - Dougherty**

**29 HB 692 - Luetkenhaus**

**30 HB 318 - Clayton**

**31 HB 711 - Hartzler (124)**

**32 HB 394 - Loudon**

**33 HB 727 - McBride**

**(March 19, 1997)**

**34 HB 713 - Davis (63)**

**35 HB 663 - Stokan**

**36 HB 773 - McBride**

37 HB 769 - Relford

38 HB 783 - Stoll

39 HB 643 - Barry

40 HB 762 - Davis (63)

41 HB 654 - Bray

HOUSE BILLS FOR THIRD READING

HB 34 - Bland

HCS HB 356 - Skaggs

HB 630, (Budget Fiscal, 3-4-97) - Boucher

HS HB 390, (Budget Fiscal, 3-17-97) - Hoppe

HCS HB 450 - Green

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

HCS HB 212, (Budget Fiscal, 3-18-97) - Treadway

HCS HB 424 & 534, E.C. - Crump

HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 59, E.C. - Hosmer

2 HB 172 - Leake

3 HB 327 - McBride

4 HB 633, E.C. - Leake

5 HB 150 - Gaskill

6 HB 626 - Liese

7 HB 387 - Smith

8 HB 319 - Fritts

9 HB 244 - Hosmer

10 HB 95 - Long

11 HB 651 - Schilling

12 HB 300 - Barry

13 HB 104 - Bonner

14 HB 250 - Graham (106)

15 HB 309 - Treadway

16 HB 610 - Hosmer

17 HB 265 - Richardson

18 HB 88 - Smith

19 HB 520 - Green

20 HB 213 - Treadway

21 HB 438 - Fritts

22 HB 207 - Koller

23 HB 123 - Howerton

**24 HB 566 - Treadway**

**SENATE BILLS FOR SECOND READING**

**SB 112**

**SB 318**

**SB 347**

**SB 387**

**HOUSE RESOLUTIONS**

**HR 69, (2-5-97, pg. 258) - Hosmer**

**HR 124, (2-5-97, pg. 259) - Liese**

**HR 147, (2-19-97 pg. 355) - Backer**

**HR 166, (2-19-97 pg. 355) - Williams (121)**

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# House Journal

## First Regular Session, 89th General Assembly

THIRTY-NINTH DAY, Wednesday, March 19, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

In the grand scheme of things, O Holy One, what transpires in this room may not have the significance we would like to think it will. But in the here and now, what happens is of vital importance. Each transaction, each idea, each deed has repercussions on the lives of real, live human beings. Let us never forget that.

Let us also remember that each person brings to this world the uniqueness of who they are - the physical characteristics that the world sees and evaluates; the moral fiber that dictates how life is lived; the gifts of inheritance such as language, culture, tradition. Give us the insight to value and appreciate this about one another so that we never assume superiority, but always protect and safeguard individuality, for it is you, Creator God, who has so gifted us in our diversity.

And now, guide and direct those in this place as they go about the business of the day. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jonathan Zepp, Ashleigh Day, Andrew Davis, Nicole Stecz,Yvette Becker, Preston Williams, Cedric Whitfield, Meghan Vault, Demetrious Riggins, Natia Trimble, Adam Phillips, Caitlin Rambo, Mickie Walker, Zenobia Davis, Peter Schultz, Michael Hill, Brynn Leslie Clark, Miles Dake, Case Howard, Chris Tennenbaum, Jennie Prewett, Mandy Barnes, Anthony Tennenbaum, Donald Hockman, Shenna Hobbs, Serina Mullinix, Tarrance Perkins, Brian Benson, Brooke Eisenhart, Justin Baker and Eliot Masek.

The Journal of the thirty-eighth day was approved as corrected.

**RESOLUTIONS**

Representative Sheldon (104) offered House Resolution No. 406, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stoll offered House Resolution No. 407, which was referred to the Committee on Miscellaneous

Bills and Resolutions.

**HOUSE RESOLUTION**

**HR 166**, relating to use of Chamber, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HR 166** was adopted.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 797, HB 379, HB 386, HB 612, HB 169, HB 482, HB 521, HB 543, HB 604, HB 628, HB 791, HCS HB 212**, and **HCS HBs 424 and 534**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**SECOND READING OF HOUSE BILLS**

**HB 837** through **HB 845** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 112, SB 318, SB 347** and **SB 387** were read the second time.

**THIRD READING OF HOUSE BILLS**

**HCS HB 356,** relating to state retirement, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **HCS HB 356** was read the third time and passed by the following vote:

AYES: 142

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Bland

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Chrismer Clayton Cooper

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Froelker Gaskill Goward Graham 24 Graham 106

Gratz Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 010

Berkstresser Boatright Fritts Gaston Gibbons

Gross Hall Hohulin Purgason Sallee

PRESENT: 001

Barry 100

ABSENT WITH LEAVE: 009

Champion Cierpiot Copeland Daniel 42 Ford

Hand Stoll Thompson 37 Wannenmacher

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Davis (63) moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

**HB 34**, relating to state income tax, was taken up by Representative Bland.

On motion of Representative Bland, **HB 34** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Lograsso Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Treadway Troupe Van Zandt
Vogel Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 005

Hall Hohulin Linton Loudon Townley

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Daniel 42 Ford Hand Wannenmacher

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 450**, relating to public construction contracts, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 450** was read the third time and passed by the following vote:

AYES: 096

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Broach Campbell
Carter Chrismer Cierpiot Cooper Crump
Daniels 41 Davis 63 Davis 122 Days DeMarce
Donovan Dougherty Edwards-Pavia Enz Farmer
Farnen Fitzwater Foley Franklin Fritts
Goward Graham 24 Graham 106 Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hegeman Hickey Holand Hollingsworth Hoppe
Hosmer Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Luetkenhaus Lumpe May 108 Mays 50 McBride
McLuckie Monaco Murphy Murray Nordwald
O'Connor O'Toole Overschmidt Parker Reynolds
Ridgeway Rizzo Ross Scheve Schilling
Shear Sheldon 104 Shelton 57 Shields Skaggs
Stokan Stoll Stroker Treadway Troupe
Van Zandt Wiggins Williams 121 Wilson Wooten
Mr. Speaker

NOES: 061

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Champion

Clayton Crawford Dolan Elliott Evans

Foster Froelker Gaskill Gaston Gibbons

Gratz Hall Hartzler 124 Heckemeyer Hendrickson

Hohulin Howerton Kauffman Linton Lograsso

Long Loudon Marble McClelland Miller

Naeger Ostmann Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Richardson

Robirds Sallee Schwab Scott Secrest

Seigfreid Smith Steen Summers Surface

Tate Thomason 163 Thompson 37 Townley Vogel

Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Daniel 42 Ford Hand Wannenmacher

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 424 and 534**, relating to Department of Conservation, was taken up by Representative Crump.

On motion of Representative Crump, **HCS HBs 424 and 534** was read the third time and passed by the following vote:

AYES: 112

Akin Alter Backer Barnett 4 Barry 100

Bauer Bennett 15 Bland Bonner Boucher

Bray 84 Campbell Carter Clayton Cooper

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Donovan Dougherty Evans Farmer

Farnen Fitzwater Foley Franklin Fritts

Froelker Gaskill Gibbons Goward Graham 24

Green Griesheimer Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Levin Long Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murray O'Connor O'Toole
Overschmidt Parker Pouche Pryor Ransdall
Relford Reynolds Rizzo Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Tate
Thomason 163 Thompson 37 Treadway Troupe Van Zandt
Vogel Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 044

Auer Ballard Bartelsmeyer Berkstresser Boatright
Broach Burton Champion Chrismer Cierpiot
Crawford Dolan Edwards-Pavia Elliott Enz
Foster Gaston Graham 106 Gratz Gross
Hall Hendrickson Hohulin Kasten Legan
Linton Lograsso Loudon Marble Murphy
Naeger Nordwald Ostmann Patek Purgason
Reinhart Richardson Ridgeway Robirds Ross
Sallee Steen Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 006

Copeland Daniel 42 Ford Hand Liese
Wannenmacher

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 101

Alter Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Campbell Carter
Clayton Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Evans
Farmer Farnen Fitzwater Foley Franklin
Fritts Gaskill Goward Graham 24 Green
Griesheimer Gunn Hagan-Harrell Harlan Hartzler 123
Heckemeyer Hegeman Hickey Hollingsworth Hoppe
Hosmer Johnson Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Liese Long
Loudon Luetkenhaus Lumpe May 108 Mays 50
McBride McClelland McLuckie Monaco Murphy
Murray O'Connor O'Toole Overschmidt Parker
Pryor Ransdall Relford Reynolds Rizzo
Scheve Schilling Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Tate
Thomason 163 Treadway Troupe Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 055

Akin Auer Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Edwards-Pavia Elliott Enz Foster
Froelker Gaston Gibbons Graham 106 Gratz
Gross Hall Hartzler 124 Hendrickson Hohulin
Holand Howerton Kasten Levin Linton
Lograsso Marble Miller Naeger Nordwald
Ostmann Patek Pouche Purgason Reinhart
Richardson Ridgeway Robirds Ross Sallee
Schwab Steen Summers Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 006

Copeland Daniel 42 Ford Hand Thompson 37

Wannenmacher

VACANCY: 001

On motion of Representative Monaco, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE JOINT RESOLUTIONS**

**HJR 2**, relating to school bond debt limit, was taken up by Representative Kreider.

On motion of Representative Kreider, **HJR 2** was ordered perfected and printed.

**HJR 12**, relating to obligation for leased property, was taken up by Representative Green.

Representative Long offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Joint Resolution No. 12, Page 2, Section 28, Line 9, by deleting the word "five" and inserting in lieu thereof the word "ten".

Representative Long moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Green, **HJR 12** was ordered perfected and printed.

**HJR 16**, relating to initiative petitions, was taken up by Representative Farnen.

On motion of Representative Farnen, **HJR 16** was ordered perfected and printed.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Representative Auer.

**RESOLUTIONS**

Representative Vogel offered House Resolution No. 408, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Smith offered House Resolution No. 409.

Representative Dougherty offered House Resolution No. 410, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Skaggs offered House Resolution No. 411, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 412, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**PERFECTION OF HOUSE BILL**

**HCS HB 529, as amended**, relating to regional jail districts, was again taken up by Representative Crump.

Representative Townley offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 529, Page 1, Section 67.582, Line 1, by inserting immediately before said line the following:

49.310. 1. Except as provided in sections 221.400 to 221.420, RSMo, and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except, that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the third or fourth classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice; and

further amend the title and enacting clause accordingly.

On motion of Representative Townley, House Amendment No. 4 was adopted.

Representative Crump offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 529, Page 8, Section 2, Line 12, by inserting immediately after said line the following: "**Per diem shall be identified as only reasonable housing and meals as described or outlined by the american correctional association. All other costs associated with this section relative to the incarceration of a prisoner shall not be considered per diem and those costs will be contracted for independently.**".

On motion of Representative Crump, House Amendment No. 5 was adopted.

Representative Ballard offered House Amendment No. 6.

Representative Crump raised a point of order that House Amendment No. 6 is not germane to the bill.

Representative Auer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Crump, **HCS HB 529, as amended,** was adopted.

On motion of Representative Crump, **HCS HB 529, as amended,** was ordered perfected and printed.

**PERFECTION OF HOUSE JOINT RESOLUTION**

**HJR 18**, relating to state treasurer, was taken up and placed on the Informal Calendar.

**PERFECTION OF HOUSE BILL**

**HCS HB 335**, relating to managed care, was taken up by Representative Harlan.

Representative Harlan offered **HS HCS HB 335**.

Speaker Gaw resumed the Chair.

Representative Foley offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 65, Section 354.618, Line 18, by deleting said section and inserting in lieu thereof the following:

**"354.618. 1. A health carrier shall offer all covered persons an opportunity to obtain covered services directly from any health care provider in the carrier's network through a point of service option.**

**2. A health carrier may require a covered person who exercises a point of service option to pay a coinsurance, copayment or deductible for such service. The coinsurance, copayment or deductible shall be based on the plan's actual payment for items and services and shall not be greater than thirty percent of the plan's actual payment.**

**3. A health carrier shall establish the guidelines and procedures for the point of service option. Such guidelines and procedures shall be set forth in writing and shall be filed with the department prior to becoming effective."**

Representative Gunn offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Pages 65-67, Section 354.618, by deleting said section.

Representative Gunn moved that House Substitute Amendment No. 1 for House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Sallee offered House Substitute Amendment No. 2 for House Amendment No. 1.

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 65, Section 354.618, Line 18, by deleting said section and inserting in lieu thereof the following:

**"354.618. 1. A health carrier shall offer all covered persons an opportunity to obtain covered services directly from any health care provider in the carrier's network through a point of service option.**

**2. A health carrier may require a covered person who exercises a point of service option to pay a coinsurance, copayment or deductible for such service. The coinsurance, copayment or deductible shall be based on the plan's actual payment for items and services and shall not be greater than thirty percent of the plan's actual payment.**

**3. A health carrier shall establish the guidelines and procedures for the point of service option. Such guidelines and procedures shall be set forth in writing and shall be filed with the department prior to becoming effective.**

**4. A health carrier shall have a procedure by which a female covered person may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the covered person's primary care provider if the benefits are covered under the covered person's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network. In no event shall a health carrier be required to permit a covered person to have health care services delivered by a nonparticipating obstetrician/gynecologist. An obstetrician/gynecologist who delivers health care services directly to a covered person shall report such visit and health care services provided to the covered person's primary care provider. A health carrier may require a covered person to obtain a referral from the primary care physician, if such covered person requires more than one annual visit with an obstetrician/gynecologist."**

On motion of Representative Sallee, House Substitute Amendment No. 2 for House Amendment No. 1 was adopted.

Representative Shields offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 13, Section 354.405, Line 14, by deleting the bracket before the word "If" and on line 16 by deleting the bracket after the word "approved.";

And further amend said bill on Page 13, Section 354.405, Line 16, by deleting the words "The director shall approve or disapprove the modification in writing within sixty days of filing.";

And further amend said bill on Page 21, Section 354.430, Line 20, by deleting the words "and approved by" and on line 20, by deleting the words "The director shall approve or disapprove in writing the evidence of coverage, or amendment thereto, within sixty days of filing.";

And further amend said bill on Page 31, Section 354.442, Line 11, by deleting the words "3. Nothing in this section shall prevent the director from requiring a health maintenance organization to disclose to enrollees additional information as necessary." And by renumbering subsection 4 accordingly;

And further amend said bill on Page 32, Section 354.443, Line 3, by deleting the words "The director shall

approve or disapprove the financial arrangements or contractual provisions within sixty days of filing.";

And further amend said bill on Page 44, Section 354.603, Line 19, by deleting the words "for approval,";

And further amend said bill on Page 47, Section 354.603, Line 6, by deleting the words "The department of insurance shall promulgate rules and regulations regarding the filing of access plans. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.";

And further amend said bill on Page 68, Section 354.624, Line 14, by deleting the words "3. The director shall approve or disapprove the contract form or change to a contract form by a health carrier within sixty days." and by renumbering subsection 4 accordingly;

And further amend said bill on Page 69, Section 354.633, Line 10, by deleting all of said section.

On motion of Representative Shields, House Amendment No. 2 was adopted.

Representative Shields offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 68, Section 354.624, Line 12, by deleting lines 12 and 13.

On motion of Representative Shields, House Amendment No. 3 was adopted.

Representative Harlan offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Pages 102 and 103, Section 376.1375, by deleting all of said section and inserting in lieu thereof the following:

"**376.1375. 1. A health carrier shall maintain a written register of all grievances in a manner consistent with the requirements for maintaining complaint records pursuant to section 376.986. The grievance register shall contain the total number, type, nature and result of all grievances and such other information as may be prescribed by the director. A health carrier shall furnish the director with any records regarding a grievance upon request.**

**2. All grievances shall be date stamped when received by the health carrier. The date shall be legible and easily identified.**

**3. Upon receipt of any inquiry from the department of insurance regarding a grievance, a health carrier shall furnish the department with a written response within fifteen working days of receipt of the inquiry.**"; and

Further amend said bill, Pages 104, 105 and 106, Section 376.1382, by deleting all of said section and inserting in lieu thereof the following:

"**376.1382. 1. A health carrier that offers managed care plans shall establish a first level and second level grievance review process for its managed care plans. A grievance may be submitted by a covered person, a covered person's representative or a provider acting on behalf of a covered person.**

**2. Upon receipt of a request for first level grievance review, a health carrier shall:**

**(1) Acknowledge receipt in writing of the grievance within ten working days;**

**(2) Conduct a complete investigation of the grievance within twenty working days after receipt of a grievance, unless the investigation cannot be completed within this time. If the investigation cannot be completed within twenty working days after receipt of a grievance, the covered person shall be notified in writing on or before the twentieth working day and every thirty working days thereafter until the investigation is completed. The notice shall set forth the reasons for which additional time is needed for the investigation;**

**(3) Within five working days after the investigation is completed, have someone not involved in the circumstances giving rise to the grievance or its investigation decide upon the appropriate resolution of the grievance and notify the covered person in writing of the health carrier's decision regarding the grievance and of the right to file an appeal for a second level review. The notice shall explain the resolution of the grievance and the right to appeal in terms which are clear and specific;**

**(4) Within fifteen working days after the investigation is completed, notify the person who submitted the grievance of the carrier's resolution of said grievance.**"; and

Further amend said bill, Pages 107, 108, 109, 110 and 111, Section 376.1385, by deleting all of said section and inserting in lieu thereof the following:

"**376.1385. 1. Upon receipt of a request for second level review, a health carrier shall submit the grievance to a grievance advisory panel consisting of:**

**(1) Other enrollees;**

**(2) Representatives of the health carrier that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance; and**

**(3) Where the grievance involves an adverse determination a majority of persons that are appropriate clinical peers in the same or similar specialty as would typically manage the case being reviewed that were not involved in the circumstances giving rise to the grievance or in any subsequent investigation or determination of the grievance.**

**2. Review by the grievance advisory panel shall follow the same time frames as a first level review, except as provided for in section 376.1389 if applicable. Any decision of the grievance advisory panel shall include notice of the covered person's right to file an appeal with the director's office of the grievance advisory panel's decision. The notice shall contain the toll-free telephone number and address of the director's office.**"; and

Further amend said bill, Pages 112, 113 and 114, Section 376.1387, by deleting all of said section and inserting in lieu thereof the following:

"**376.1387. 1. The director shall resolve any grievance appealed by an enrollee by referring such grievance to a panel of health care professionals who are appointed or contracted by the director and who have appropriate expertise. The grievance and resolution of such grievance shall not be considered a contested case within the meaning of section 536.010, RSMo, but the resolution of such grievance by the director shall be considered a final agency decision within the director's discretion, binding upon the covered person and health carrier, and subject to judicial review if:**

**(1) Action for such review is filed within thirty days of the final agency decision; and**

**(2) Judicial review is limited to the record before the director; and**

**(3) The covered person and health carrier are deemed real parties in interest; and**

**(4) The scope of judicial review extends only to a determination of whether the action of the director is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the director, or involves an abuse of discretion.**

**2. Nothing in this section is intended to restrict the director's authority to investigate and resolve any complaint against a health carrier that does not constitute a grievance within the meaning of section 376.1350.**"; and

Further amend said bill, Page 114, Section 376.1389, Line 12 of said page, by deleting "**376.1382, 376.1385 and 376.1387**" and inserting in lieu thereof the following: "**376.1382 and 376.1385**"; and

Further amend said bill, Pages 114 and 115, Section 376.1389, Lines 17 to 22 of Page 114 and Lines 1 to 4 of Page 113, by deleting all of said lines and inserting in lieu thereof the following: "**review of an adverse determination may be submitted orally or in writing. However, for purposes of the grievance register requirements in section 376.1375, the request shall not be considered a grievance unless the request is submitted in writing. Expedited review procedures shall be available to a covered person, the representative of a covered person and to the provider acting on behalf of a covered person.**"; and

Further amend said bill, Pages 115, 116 and 117, Section 376.1389, Lines 5 to 22 of Page 115, all of Page 116 and Lines 1 to 5 of Page 117, by deleting all of said lines and inserting in lieu thereof the following:

"**2. A health carrier shall notify a covered person orally within seventy-two hours after receiving a request for an expedited review of the carrier's determination, and shall provide written confirmation of its decision covering an expedited review within three working days of providing notification of the determination.**".

On motion of Representative Harlan, House Amendment No. 4 was adopted.

Representative Legan offered House Amendment No. 5.

*House Amendment No. 5*

Amend House Substitute for House Committee Substitute for House Bill No. 335, Page 5, Section 354.400, Line 7, by inserting after said line the following:

(3) **"Community-based health maintenance organization", a health maintenance organization which:**

(a) **is owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide health care treatment services in the service area described in the application for a certificate of authority from the department of insurance;**

(b) **is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;**

(c) **is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and which includes:**

a. **at least one physician licensed pursuant to chapter 334, RSMo;**

b. **at least one purchaser of health care services who lives in the health maintenance organization's service area;**

c. **at least one member who is an enrollee of the health maintenance organization; and**

d. **at least one hospital executive, if a hospital is involved in the corporate ownership of the health maintenance organization;**

(d) **provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;**

(e) **is actively involved in attempting to improve performance on indicators of health status in the community, including the health status of those not enrolled in the health maintenance organization;**

(f) **establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of the health maintenance organization.";** and renumbering the sub-sections accordingly.

Further amend said bill, page 117, section 376.1390, line 10, by inserting after said line the following:

**"Section 1. 1. A community-based health maintenance organization shall have available and accessible a sufficient number and type of physicians, specialists, and other providers as needed to:**

(1) **provide the benefits covered by the plan;**

(2) **meet the medical needs of the health plan's enrolled population;**

(3) **provide members with a reasonable choice of primary care physicians and specialty physicians;**

2. **If a community-based health maintenance organization does not employ or contract with a physician with the expertise necessary to provide medically necessary care covered by the health plan, then the health maintenance organization shall arrange for a referral to a physician with the necessary expertise and ensure that the members obtain the covered benefit at no greater cost to the member than if the benefit were obtained from participating physicians;**

3. **A community-based health maintenance organization's physicians, physician specialists and facilities shall be reasonably available. Primary health care services shall be in reasonable proximity to a member's personal residence or business, with due consideration given to the availability of physicians within the community-based health maintenance organization's service area. This provision shall not preclude a community-based health maintenance organization from arranging for the provision of member care outside the service area for a higher level of skill or specialty care than is available within the service area.**

**Section 2. Each community-based health maintenance organization shall offer coverage that allows an enrollee who suffers from a life-threatening condition or a degenerative, disabling condition requiring a regimen of specialized medical treatment lasting for six months or more to receive a standing referral for specialty care case management by a physician or specialty care center with expertise in treating the condition. Under such specialty care case management, the provider shall coordinate primary and specialty care for the enrollee under a treatment plan approved by the health maintenance organization in consultation with the enrollee's primary care provider and the specialist physician or specialty care center.**

**Section 3. A community-based health maintenance organization shall comply with the requirements of:**

(1) **subsection 1 of section 354.606, RSMo;**

(2) **subsection 2 of section 354.606, RSMo;**

(3) **subsections 3 and 4 of section 354.606, RSMo;**

(4) **subsection 8 of section 354.606, RSMo;**

(5) **subsection 10 of section 354.606, RSMo;**

(6) **subsection 14 of section 354.606, RSMo;**

(7) **subsection 15 of section 354.606, RSMo;**

(8) **subsection 19 of section 354.606, RSMo**.

**Section 4. A community-based health maintenance organization shall provide each prospective purchaser of its services with the following marketing materials prior to enrollment:**

(1) **a list of the health care providers who have a contractual agreement to provide services under the plan of coverage. It shall be a violation of the unfair trade practices act for a community-based health maintenance organization to falsely list that a provider has a contractual agreement to provide services under its plan of coverage; and**

(2) **information to describe how the community-based health maintenance organization will use utilization management to promote efficiency in the delivery of services in accordance with the terms of the contract for coverage. This information shall explain how the community-based health maintenance organization will encourage the use of treatment options that produce the most cost-effective results. The format and content of the descriptive information disclosed under this subdivision shall be approved by the department of insurance and shall include information regarding covered benefits available under the plan; and**

(3) **disclosure of grievance procedures established in accordance with regulations promulgated by the department of insurance for community-based health maintenance organizations. Included in this information shall be notification of how and when to contact the health plan and the department of insurance regarding a grievance. The regulations promulgated by the department of insurance which governing the rights of a patient to appeal a decision of a community-based health maintenance organization and the deadlines for deciding that appeal shall be consistent and no less stringent than the regulations promulgated by the Health Care Financing Administration of the United States Department of Health and Human Services for Medicare enrollees in health maintenance organizations; and**

(4) **notice of the availability of coverage as described in section 2 of this act.**

**Section 5. No community-based health maintenance organization shall prohibit or restrict any provider from disclosing to any subscriber, enrollee or member any information that such provider deems appropriate regarding the nature of treatment, risks or alternatives thereto, the availability of other therapy, consultation or test, the decision of any plan to authorize or deny services, or to process the plan or any person to authorize or deny services, or to process the plan or any person contracting with the plan uses or proposes to use, to authorize or deny health care services or benefits. Any such prohibition or restriction contained in a contract with a provider entered into after the effective date of this section shall be void and unenforceable. The standards used to determine if a community-based health maintenance organization has prohibited or restricted a provider's disclosure in violation of this section shall be those established by federal regulation of the Health Care Financing Administration for use in regulating managed care plans serving Medicare enrollees.";** and

**Section 6. The director of the department of insurance shall adopt regulations governing the use of payment arrangements by community-based health maintenance organizations which use payment withholding arrangements that place a physician at substantial financial risk. The standards for determining substantial financial risk and determining which payment arrangements are subject to regulation shall be the same as provided for health maintenance organizations and competitive medical plans contracting with the Medicare program, as provided in 42 C.F.R. 417.479, or its successor regulation.**

2. **The department of insurance may require that community-based health maintenance organizations disclose to the department financial arrangements or contractual provisions that place a physician at substantial financial risk. Such financial arrangements and contractual provisions which constitute substantial financial risk for the physician shall be reviewed by the department and shall be deemed approved if not disapproved by the director of the department within thirty days from the date that they are filed with the department.**

3. **The department of insurance shall promulgate regulations governing the confidentiality of proprietary information disclosed to the department pursuant to this section. Proprietary information disclosed pursuant to this section shall not be construed to be a "public record" as defined in chapter 610, RSMo.**

**Section 7. The director of the department of insurance shall promulgate regulations governing grievance procedures for enrollees of a community-based health maintenance organization. Such regulations shall be consistent with and not less or more stringent that federal regulations governing grievance procedures promulgated by the Health Care Financing Administration of the United States Department of Health and Human Services for Medicare enrollees in managed care plans.**

**Section 8. If the Health Care Financing Administration of the United States Department of Health and Human**

**Services promulgates regulations governing the practice of utilization review in health maintenance organizations serving enrollees in the Medicare program, the director of the department of insurance may issue rules and regulations to apply those standards to community-based health maintenance organizations as defined in subdivision (3) of section 354.400, RSMo**.

**Section 9. Other provisions of law and regulation notwithstanding, the director of the department of insurance shall promulgate regulations to allow health maintenance organizations to offer a point-of-service plan of coverage under a certificate of authority issued under chapter 354, RSMo. The department shall not require that health maintenance organizations receive a separate license as a health insurer under chapter 376, RSMo.**

**Section 10. The director of the department of insurance shall designate those health maintenance organizations which meet the criteria established in subdivision (3) of section 354.400 as community-based health maintenance organizations. The director may revoke such a designation if the first market conduct examination of the health maintenance organization occurring after two years of operation indicates that the health maintenance organization is not in compliance with the requirements of those criteria**.

On motion of Representative Legan, House Amendment No. 5 was adopted.

Representative Harlan offered House Amendment No. 6.

House Amendment No. 6 was withdrawn.

Representative Pryor offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 88, Section 376.1350, Line 18, by inserting immediately after the word "**services**" the following:

"**. A health carrier does not include a property casualty insurer or an employee or agent working on behalf of a property-casualty insurer**"; and

Further amend said bill, Page 91, Section 376.1350, Line 15, by inserting immediately after the word "**plans**" the following:

"**. A utilization review organization does not include a property-casualty insurer or an employee or agent working on behalf of a property-casualty insurer**".

On motion of Representative Pryor, House Amendment No. 6 was adopted.

Representative Richardson offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 117, Section 376.1390, by inserting after said section, the following:

"Section 1. Missouri licensed health maintenance organizations shall be permitted to offer point of service riders (POS) to their approved health plan products, so long as medical and hospital expenses incurred under the POS rider does not exceed 10% of total medical and hospital expenses incurred for all health plan products sold. HMOs which have been licensed for at least one calendar year, who choose to insure the POS rider, shall maintain a net worth of the greater of: a) $1,200,000 or b) 2% of total premium revenue for the immediately preceding twelve months plus 50% of uncovered liabilities as reported in the immediately preceding calendar quarter. HMOs which have been licensed for less than one calendar year, who choose to insure the POS rider, shall maintain a net worth of the greater of: a) $1,200,000 or b) 10% of the yearly average of the three year annual premium plus 50% of its average annual uncovered liabilities as projected in its application for a certificate of authority. The Department of Insurance may modify the net worth requirements for an HMO

which has been licensed for less than one calendar year if its actual results deviate materially from its projections. In addition to any other deposit required of a licensed HMO pursuant to section 354.410, any HMO which chooses to insure a POS rider shall deposit an additional $600,000 with the director of the department of insurance."; and

further amend title and enacting clause accordingly.

On motion of Representative Richardson, House Amendment No. 7 was adopted.

Representative Hosmer offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 1, In the Title, Line 8 of said title, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 2, Section A, Line 3 of said page, by deleting the phrase "and 376.1390" and inserting in lieu thereof the phrase ", 376.1390 and 1"; and

Further amend said bill, Page 117, Section 376.1390, Line 10 of said page, by inserting after all of said line the following:

"**Section 1. Every health insurance company, health services corporation and health maintenance organization doing business in this state shall submit to the director of insurance each year, not later than one hundred twenty days after such insurer's, corporation's or organization's fiscal year, a financial report for the fiscal year, in a form approved by the director, which lists the following:**

**(1) The total dollar amount of premiums collected by such entity during the fiscal year;**

**(2) The amount of such premium money collected which was used for covering administrative costs during the fiscal year; and**

**(3) The amount of premium money collected which was paid out in the form of benefits during the fiscal year.**".

Representative Hosmer moved that House Amendment No. 8 be adopted.

Which motion was defeated by the following vote:

AYES: 033

Backer Bauer Boucher Bray 84 Carter

Champion Crump Davis 63 Davis 122 Dolan

Donovan Dougherty Franklin Fritts Graham 24

Green Holand Hosmer Johnson Kreider

Leake May 108 McLuckie Monaco Murphy

Reynolds Rizzo Schilling Seigfreid Shear

Sheldon 104 Wiggins Williams 121

NOES: 114

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland

Boatright Bonner Broach Campbell Chrismer

Cierpiot Clayton Cooper Crawford Days

DeMarce Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Froelker Gaskill Gaston Gibbons Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Hollingsworth

Hoppe Howerton Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Lakin

Lawson Legan Liese Linton Lograsso

Loudon Luetkenhaus Lumpe Marble Mays 50

McBride McClelland Miller Murray Naeger

Nordwald O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Robirds

Sallee Scheve Schwab Scott Secrest

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Van Zandt Vogel

Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Burton Copeland Daniel 42 Daniels 41 Ford

Goward Hand Levin Long O'Connor

Ross Shelton 57 Thompson 37 Troupe Wannenmacher

VACANCY: 001

Representative Kelly (27) offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 117, Section 376.1390, Line 10, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill including

sections 192.068, 354.603, 354.633 and 376.1390 the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails against the agency in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 9 was adopted.

Representative Bland offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 2, Section 192.0682, Line 22, by inserting the following after the word "RSMo.", "The department of Insurance shall require as part of their rules that HMO's submit a diversity plan to remedy the disparity of African Americans and other minorities in employment and in the purchase of goods and services. This plan shall be reviewed and monitored by the Department of Insurance in consultation with the Governor's Missouri Minority Business Advocacy Commission." This plan is not intended to supersede federal law.

**HCS HB 335, with HS, as amended, and House Amendment No. 10, pending,** was laid over.

**COMMITTEE CHANGES**

The Speaker submitted the following Committee changes:

Representative Parker is no longer a member of the Children, Youth and Families Committee.

Representative Kreider is no longer a member of the Agri-Business Committee.

Representative Lawson is no longer a member of the Environment and Energy Committee.

Representative Sheldon is no longer a member of the Public Health and Safety Committee.

Representative Troupe is no longer a member of the Appropriations - Social Services and Corrections Committee and the Budget Committee.

Representative DeMarce has been appointed a member of the Transportation, Agri-Business, Children, Youth and Families, Public Health and Safety, and Environment and Energy Committees.

Representative Gunn has been appointed a member of the Budget and Appropriations - Social Services and Corrections Committees.

Representative Griesheimer has been appointed a member of the Transportation Committee.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 240**, entitled:

An act to repeal section 33.120, RSMo 1994, relating to claims and warrants, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

On motion of Representative Backer, the House recessed until 8:00 p.m.

**EVENING SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 002

Liese Tate

NOES: 001

Fitzwater

PRESENT: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Thomason 163
Townley Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wooten Mr. Speaker

ABSENT WITH LEAVE: 009

Copeland Crawford Daniel 42 Goward Hand
Levin Thompson 37 Treadway Wilson

VACANCY: 001

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 172**, relating to use of campaign contributions, was taken up by Representative Leake.

On motion of Representative Leake, **HB 172** was read the third time and passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Goward Hand Levin Seigfreid

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HB 59**, relating to probate courts, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 59** was read the third time and passed by the following vote:

AYES: 158

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland Goward Hand Levin

VACANCY: 001

The emergency clause was adopted by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Boatright Gross Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland Goward Hand Levin

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

Representative Luetkenhaus assumed the Chair.

**HB 327**, relating to conservation volunteers, was taken up by Representative McBride.

On motion of Representative McBride, **HB 327** was read the third time and passed by the following vote:

AYES: 139

Akin Alter Backer Ballard Barnett 4
Barry 100 Bauer Berkstresser Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Chrismer Clayton Cooper
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gunn
Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hegeman
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Linton Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 020

Auer Bartelsmeyer Bennett 15 Boatright Cierpiot
Crawford Edwards-Pavia Enz Evans Gross
Hall Hartzler 124 Hendrickson Hohulin Lograsso
Loudon Nordwald Patek Ridgeway Townley

PRESENT: 000

ABSENT WITH LEAVE: 003

Copeland Hand Levin

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**HB 633**, relating to reverse mortgage loans, was taken up by Representative Leake.

On motion of Representative Leake, **HB 633** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Liese

Linton Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 004

Bartelsmeyer Edwards-Pavia Murphy Treadway

PRESENT: 001

Carter

ABSENT WITH LEAVE: 005

Copeland Goward Hand Levin Lograsso

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Alter Auer Backer Ballard Barry 100
Bauer Berkstresser Bland Bonner Boucher
Bray 84 Broach Burton Campbell Clayton
Cooper Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Gaskill Graham 24 Graham 106 Gratz
Green Griesheimer Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Ransdall Reinhart Relford Reynolds
Richardson Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 026

Akin Barnett 4 Bartelsmeyer Bennett 15 Boatright
Carter Champion Chrismer Cierpiot Crawford
Edwards-Pavia Enz Froelker Gaston Gibbons
Gross Hall Hendrickson Hohulin Linton
Murphy Purgason Ridgeway Shear Steen

Treadway

PRESENT: 000

ABSENT WITH LEAVE: 006

Copeland Goward Hand Levin Liese
Lograsso

VACANCY: 001

On motion of Representative Fritts, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HB 150**, relating to conveyance of property in McDonald County, was taken up by Representative Gaskill.

On motion of Representative Gaskill, **HB 150** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Cierpiot Copeland Fitzwater Goward Hand
Levin

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Hoppe moved that motion lay on the table.

The latter motion prevailed.

**HB 626**, relating to insurance examinations, was taken up by Representative Liese.

On motion of Representative Liese, **HB 626** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Edwards-Pavia Hohulin Patek

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland Goward Hand Levin

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Johnson, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**HB 387**, relating to board of directors of banks and trust, was taken up by Representative Smith.

On motion of Representative Smith, **HB 387** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hickey Hohulin
Holand Hollingsworth Hoppe Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 003

Green Hendrickson Hosmer

PRESENT: 000

ABSENT WITH LEAVE: 006

Barry 100 Copeland Elliott Goward Hand
Levin

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Kreider moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HB 319**, relating to charitable gift annuities, was taken up by Representative Fritts.

On motion of Representative Fritts, **HB 319** was read the third time and passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hand
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 001

Bland

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland Dolan Goward Levin

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**HB 244**, relating to emergency vehicles, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 244** was read the third time and passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Goward Hand Kelley 47 Levin

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**HB 95**, relating to emergency services, was taken up by Representative Long.

On motion of Representative Long, **HB 95** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Barry 100 Copeland Goward Hand Levin
Murphy

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Stroker, title to the bill was agreed to.

Representative Stoll moved that the vote by which the bill passed be reconsidered.

Representative Stokan moved that motion lay on the table.

The latter motion prevailed.

**HB 651**, relating to conveyance of property in Greene County, was taken up by Representative Schilling.

On motion of Representative Schilling, **HB 651** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Cierpiot Copeland Goward Hand Kelley 47
Levin Murphy

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Shear, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**HB 300**, relating to places of privacy, was taken up by Representative Barry.

On motion of Representative Barry, **HB 300** was read the third time and passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Goward Hand Levin Shields

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

**HB 104**, relating to prosecutions for sexual offenses, was taken up by Representative Bonner.

On motion of Representative Bonner, **HB 104** was read the third time and passed by the following vote:

AYES: 137

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Champion Chrismer
Cierpiot Clayton Cooper Crawford Crump
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Foley Foster Franklin
Froelker Gaskill Gaston Gibbons Graham 106
Griesheimer Gross Gunn Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey
Hohulin Holand Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Overschmidt Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 007

Bennett 15 Carter Fritts Hendrickson Murphy

Ostmann Shields

PRESENT: 006

Davis 63 Graham 24 Gratz Green Hollingsworth

Parker

ABSENT WITH LEAVE: 012

Copeland Daniel 42 Daniels 41 Fitzwater Ford

Goward Hand Harlan Levin Ridgeway

Troupe Wannenmacher

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Mays (50) moved that motion lay on the table.

The latter motion prevailed.

**HB 250**, relating to corporations, was taken up by Representative Graham (106).

On motion of Representative Graham (106), **HB 250** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Clayton Cooper Crawford
Crump Davis 63 Davis 122 Days DeMarce
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Cierpiot Copeland Daniel 42 Daniels 41 Dolan
Ford Goward Hand Levin Troupe
Wannenmacher

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

**HB 309**, relating to cosmetologists, was taken up by Representative Treadway.

On motion of Representative Treadway, **HB 309** was read the third time and passed by the following vote:

AYES: 134

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Chrismer Cierpiot
Clayton Cooper Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Elliott Enz Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Gaskill
Gaston Gibbons Graham 106 Green Griesheimer
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Purgason Ransdall Relford Reynolds
Richardson Rizzo Robirds Ross Sallee
Scheve Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 019

Bennett 15 Champion Crawford Dougherty Edwards-Pavia
Evans Froelker Graham 24 Gratz Gross
Hartzler 124 Kasten Monaco Patek Pryor
Reinhart Ridgeway Schilling Steen

PRESENT: 000

ABSENT WITH LEAVE: 009

Bland Copeland Daniels 41 Ford Goward
Hand Levin Troupe Wannenmacher

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**HB 610**, relating to securities, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 610** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Griesheimer Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 005

Crawford Gratz Hartzler 124 Murphy Nordwald

PRESENT: 002

Green Gross

ABSENT WITH LEAVE: 009

Copeland Daniels 41 Ford Goward Hand
Levin Thompson 37 Troupe Wannenmacher

VACANCY: 001

Representatives Luetkenhaus declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Lumpe moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**HB 265**, relating to probation revocation hearings, was taken up by Representative Richardson.

On motion of Representative Richardson, **HB 265** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Crawford Crump
Davis 63 Davis 122 Days DeMarce Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnett 4 Barry 100 Copeland Daniel 42 Daniels 41
Dolan Ford Goward Gunn Hand
Levin Relford Thompson 37 Troupe Wannenmacher

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**HB 88**, relating to takings analysis, was taken up by Representative Relford.

On motion of Representative Relford, **HB 88** was read the third time and passed by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Chrismer Cierpiot
Clayton Cooper Crawford Crump Davis 63
Davis 122 DeMarce Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Howerton Johnson
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Marble May 108 Mays 50 McBride
McClelland Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wiggins Williams 121
Williams 159 Wooten Mr. Speaker

NOES: 010

Bray 84 Days Dougherty Harlan Hosmer
Lumpe McLuckie Schilling Shear Wilson

PRESENT: 000

ABSENT WITH LEAVE: 014

Berkstresser Champion Copeland Daniel 42 Daniels 41
Ford Goward Hand Kasten Lakin
Levin Patek Troupe Wannenmacher

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**HB 520**, relating to surplus property, was taken up by Representative Green.

On motion of Representative Green, **HB 520** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lawson Leake
Legan Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 001

Robirds

PRESENT: 001

Hosmer

ABSENT WITH LEAVE: 012

Backer Champion Copeland Daniels 41 Ford
Goward Hand Lakin Levin Sheldon 104
Troupe Wannenmacher

VACANCY: 001

Representative Luetkenhaus declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider assumed the Chair.

**HB 213**, relating to real estate disclosures, was taken up by Representative Treadway.

On motion of Representative Treadway, **HB 213** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Crawford Crump
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Graham 24 Graham 106 Gratz Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Van Zandt

Vogel Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnett 4 Barry 100 Copeland Daniel 42 Daniels 41

Ford Gibbons Goward Green Hand

Levin Monaco Thompson 37 Troupe Wannenmacher

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

**HB 438**, relating to Wolfner Library Trust Fund, was taken up by Representative Fritts.

Representative Shields made a privileged motion to recommit **HB 438** to the Committee on Miscellaneous Bills and Resolutions.

The motion to sustain the privileged motion was defeated by the following vote:

AYES: 056

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Cooper Crawford

Dolan Elliott Enz Evans Foster

Froelker Gaskill Gaston Gibbons Graham 106

Gross Hegeman Hendrickson Hohulin Howerton

Kasten Liese Linton Lograsso Long

Loudon Marble McClelland Miller Ostmann

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Ross Sallee Schwab Scott

Secrest Shields Steen Surface Townley
Vogel

NOES: 094

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Campbell Carter
Clayton Crump Daniel 42 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Edwards-Pavia
Farmer Farnen Fitzwater Foley Franklin
Fritts Graham 24 Gratz Green Griesheimer
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hickey Holand Hollingsworth Hoppe
Hosmer Johnson Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Luetkenhaus Lumpe May 108
Mays 50 McBride McLuckie Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Overschmidt Parker Patek Ransdall Relford
Reynolds Rizzo Robirds Scheve Schilling
Seigfreid Shear Sheldon 104 Shelton 57 Skaggs
Smith Stokan Stoll Stroker Summers
Tate Thomason 163 Treadway Van Zandt Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Copeland Daniels 41 Ford Goward Hall
Hand Legan Levin Thompson 37 Troupe
Wannenmacher Wooten

VACANCY: 001

On motion of Representative Fritts, **HB 438** was read the third time and passed by the following vote:

AYES: 139

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Boucher Bray 84 Broach
Burton Campbell Carter Champion Clayton

Cooper Crawford Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Liese Linton
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Ransdall Reinhart
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Skaggs Smith Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 011

Bartelsmeyer Chrismer Cierpiot Hegeman Hohulin
Lograsso Pryor Purgason Ridgeway Shields
Steen

PRESENT: 000

ABSENT WITH LEAVE: 012

Bonner Copeland Daniels 41 Ford Goward
Hall Hand Levin Thompson 37 Troupe
Wannenmacher Wooten

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Riback Wilson moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**HB 207**, relating to bonding for motor vehicle dealers, was taken up by Representative Koller.

On motion of Representative Koller, **HB 207** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Gross Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

NOES: 000

PRESENT: 001

Griesheimer

ABSENT WITH LEAVE: 014

Copeland Daniels 41 Ford Goward Green
Hall Hand Levin Lumpe Wooten
Sallee Thompson 37 Troupe Wannenmacher

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Crump moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HB 123**, relating to temporary instruction permit, was taken up by Representative Howerton.

On motion of Representative Howerton, **HB 123** was read the third time and passed by the following vote:

AYES: 139

Akin Alter Backer Ballard Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 106 Gratz
Green Griesheimer Gross Hagan-Harrell Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hoppe Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Reynolds Richardson Ridgeway
Rizzo Robirds Ross Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stroker Summers Surface Tate
Thomason 163 Townley Treadway Van Zandt Vogel
Wiggins Williams 159 Wilson Mr. Speaker

NOES: 004

Auer Graham 24 Gunn Steen

PRESENT: 000

ABSENT WITH LEAVE: 019

Barnett 4 Copeland Daniels 41 Ford Goward
Hall Hand Harlan Hollingsworth Hosmer
Levin Relford Sallee Stoll Thompson 37
Troupe Wannenmacher Williams 121 Wooten

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**HB 566**, relating to school bus drivers, was taken up by Representative Treadway.

On motion of Representative Treadway, **HB 566** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Murphy Murray Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnett 4 Copeland Daniels 41 Ford Goward

Hall Hand Harlan Levin Monaco

Naeger Thompson 37 Troupe Wannenmacher Wooten

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farmer, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 410, 411** and **412**, begs leave to report it has examined the same and recommends that they **Do Pass**.

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 5**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HS HB 390 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it has been furnished an updated fiscal note and does not require Budget Committee fiscal review.

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 683**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 722**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Elections,** Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 712**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Elections, to which was referred **HB 734**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 159**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 262**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 340**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 523**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 659**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 710**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 749**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 756**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 771**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 590**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on State Parks, Natural Resources and Mining**, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **HR 340**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

House Committee Substitute

for

House Resolution No. 340

**Whereas**, the deer hunters of Missouri have enjoyed many years of successful hunting and have seen both the population and the quality of the deer herds improve over the past forty years; and

**Whereas**, the Department of Conservation, constitutionally charged with the control, management, restoration, conservation and regulation of bird, fish, game, forestry and all wildlife resources of the state has provided good management of the deer herd and is responsible for the allocation of deer hunting permits; and

**Whereas**, the Department of Conservation for many years previous has operated a successful mail-in lottery program for the selection of any-deer permits and bonus deer permits; and

**Whereas**, the Department of Conservation, in 1997, changed the mail-in lottery program to a merchant-based electronic first-come, first-serve program which began at 12:00 midnight on February 1, 1997, even though any-deer permits were increasing by 58%; and

**Whereas**, the Department of Conservation's new program resulted in completely unnecessary and extremely long lines and caused undue hardships on the loyal hunters, store clerks and merchants of this state; and

**Whereas**, the Department of Conservation, through poor planning, contributed to the unnecessary amount of time spent by hunters waiting for permits; and

**Whereas**, the Department of Conservation's start time of 12:00 midnight was a disadvantage for the sick, elderly, and young hunters or for those hunters who work on the weekends and who were unable to stand in line for hours on end; and

**Whereas**, the Department of Conservation, already enjoying a healthy, dedicated funding source, provided by all the taxpayers and hunters of the State of Missouri, which has allowed the department to carry out its mission; and

**Now, therefore, be it resolved** by the Missouri House of Representatives that the House herewith reprimand the Department of Conservation for its implementation of the new deer permitting program; and

**Be it therefore resolved** that the Department of Conservation be reminded of the old saying, "If it ain't broke, don't fix it" is requested by the Missouri House of Representatives to implement a more equitable and cost-effective program of issuing any-deer and bonus deer permits; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to send a copy of this resolution to every Department of Conservation Commissioner and to the Director of the Department of Conservation and that the Department be apprised of the House's displeasure and that the Department modify its actions accordingly.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 846**, introduced by Representative Monaco, relating to court costs.

**HB 847**, introduced by Representative Barnett (4), relating to brush removal in certain counties.

**HB 848**, introduced by Representative DeMarce, relating to residential care facilities.

**HB 849**, introduced by Representative Bray, relating to employee rights.

**HB 850**, introduced by Representatives Kelly (27), Smith, Clayton, Akin, Hall and Ridgeway, et al, relating to administrative rules.

The following member's presence was noted: Wannenmacher.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, March 20, 1997.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Thirty-Eighth Day, Tuesday, March 18, 1997, pages 595 and 596, roll call, by showing Representative Ridgeway voting "aye" rather than "absent with leave".

Pages 598 and 599, roll call, by showing Representatives Bartelsmeyer, Bonner and Chrismer voting "aye" rather than "absent with leave".

Pages 605 and 606, roll call, by showing Representatives Gunn and Liese voting "aye" rather than "absent with leave".

## COMMITTEE MEETINGS

BUDGET

Thursday, March 20, 1997, 8:30 am. Hearing Room 9. Appropriation bills

not finished Wednesday afternoon. Executive session.

BUDGET

Thursday, March 20, 1997. Hearing Room 9 upon morning adjournment.

Appropriation bills not finished Thurs. a.m. Executive session.

CHILDREN, YOUTH, AND FAMILIES

Thursday, March 20, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 723, HB 372

CHILDREN, YOUTH, AND FAMILIES

Monday, March 24, 1997, 2:00 pm. Hearing Room 7.

To be considered - HB 811, HB 690, HB 818, HB 821

ELECTIONS

Thursday, March 20, 1997, 8:30 am. Side gallery. Executive session.

To be considered - HB 526

ENVIRONMENT AND ENERGY

Monday, March 24, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 358, HB 684, HB 819

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 20, 1997, 9:00 am. Hearing Room 7. Contested fiscal notes.

AMENDED NOTICE

To be considered - HB 128

JUDICIARY

Thursday, March 20, 1997, 9:15 am. Hearing Rooms 3 & 4. CORRECTED NOTICE

Executive session.

To be considered - HB 191, HB 669, HB 582

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, March 24, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 676

**HOUSE CALENDAR**

FORTIETH DAY, THURSDAY, MARCH 20, 1997

**HOUSE BILLS FOR SECOND READING**

HB 846 through HB 850

**HOUSE JOINT RESOLUTION FOR PERFECTION - INFORMAL**

**HJR 18 - Harlan**

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

**HB 1 - Green**

**HCS HB 2 - Franklin**

**HCS HB 3 - Franklin**

**HCS HB 4 - Green**

**HCS HB 5 - Green**

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 335, with HS, as amended and HA 10, pending - Harlan**

**2 HB 339, HCA 1 - Kreider**

**3 HCS HB 600 & 388 - Carter**

**4 HB 193 - Auer**

**5 HCS HB 528 - Wiggins**

**6 HCS HB 100 - Williams (121)**

**7 HCS HB 493 & 39 - Farnen**

**8 HCS HB 426, 576 & 567 - Luetkenhaus**

**9 HCS HB 472 - Luetkenhaus**

**10 HCS HB 738 - Hosmer**

**11 HB 338 - Gunn**

**12 HCS HB 369 - Clayton**

**13 HB 660 - Lumpe**

**14 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo**

**15 HB 304, HCA 1 - Ransdall**

**16 HCS HB 276 - Davis (122)**

**17 HB 766, HCA 1 - Harlan**

**18 HCS HB 69 & 179 - Hosmer**

19 HB 301, HCAs 1 & 2 - Lumpe

20 HB 389, HCA 1 - Luetkenhaus

21 HCS HB 396 - Hosmer

22 HCS HB 146 - Farmer

23 HCS HB 214 - Thomason (163)

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

HOUSE BILLS FOR PERFECTION - CONSENT

(March 17, 1997)

1 HB 689 - Foley

2 HB 41 - Hosmer

3 HB 343 - Kelly (27)

4 HB 622 - Lakin

5 HB 126 - Dougherty

6 HB 249 - Kreider

7 HB 655 - May (108)

8 HB 125 - Heckemeyer

9 HB 652 - Backer

10 HB 609 - Summers

11 HB 793 - Auer

12 HB 761 - Hartzler (123)

13 HB 709 - Foley

14 HB 31 - Backer

15 HB 700 - Legan

16 HB 63 - Griesheimer

17 HB 124 - Dougherty

18 HB 692 - Luetkenhaus

19 HB 318 - Clayton

20 HB 711 - Hartzler (124)

21 HB 394 - Loudon

22 HB 727 - McBride

(March 19, 1997)

23 HB 713 - Davis (63)

24 HB 663 - Stokan

25 HB 773 - McBride

26 HB 769 - Relford

27 HB 783 - Stoll

28 HB 643 - Barry

29 HB 762 - Davis (63)

30 HB 654 - Bray

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HCS HJR 9 - Lumpe

HOUSE BILLS FOR THIRD READING

HB 630, (Budget Fiscal, 3-4-97) - Boucher

HS HB 390 - Hoppe

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

HCS HB 212, (Budget Fiscal, 3-18-97) - Treadway

HOUSE BILL FOR THIRD READING - FEDERAL MANDATE

HCS HB 411, E.C. - Dougherty

HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 797, E.C. - Kissell

2 HB 379 - Franklin

3 HB 386 - Carter

4 HB 612 - Auer

5 HB 604 - Fritts

6 HB 791 - Stoll

7 HB 521 - Fitzwater

8 HB 543 - Franklin

9 HB 482 - Franklin

10 HB 169 - Skaggs

11 HB 628 - Froelker

SENATE BILL FOR SECOND READING

SB 240

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

**COURTESY RESOLUTIONS**

**HR 351 through 354 - Barry**

**HR 355 - Richardson**

**HR 356 - Surface**

**HR 357 - Williams (121)**

**HR 358 - Campbell**

**HR 359 - Scott**

**HR 360 - Franklin**

**HR 361 - Shields**

**HR 362 and 363 - Ransdall**

**HR 364 - Fitzwater**

**HR 365 - Griesheimer**

**HR 366 and 367 - Farnen**

**HR 368 - Auer**

**HR 369 - Howerton**

**HR 370 - McClelland**

**HR 371 - Howerton**

**HR 372 - Heckemeyer**

**HR 373 and 374 - Murphy**

**HR 375 - Ford**

**HR 376 - Parker**

**HR 377 through 379 - Kauffman**

**HR 380 - Hickey**

**HR 381 - Naeger**

**HR 382 and 383 - Bennett**

**HR 384 through 387 - Gross**

**HR 388 and 389 - Ostmann**

**HR 390 - Levin**

**HR 391 - Smith**

**HR 392 - Luetkenhaus**

**HR 393 - Shields**

**HR 394 - Lawson**

**HR 395 and 396 - Gratz**

**HR 397 - May (108)**

**HR 399 and 400 - Patek**

**HR 401 - Parker**

**HR 402 - Clayton**

**HR 403 - Kelly (27)**

**HR 404 and 405 - Patek**

HR 406 - Sheldon (104)

HR 407 - Stoll

HR 408 - Vogel

HR 410 - Dougherty

HR 411 - Skaggs

HR 412 - Kennedy

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# House Journal

## First Regular Session, 89th General Assembly

FORTIETH DAY, Thursday, March 20, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Loving God, the complications of everyday life often make it difficult for us to focus on things that take us beyond our own concerns. But here in this place, what concerns one, in reality, concerns all of us. As these representatives face, day after day, the struggles and decisions that affect all of our lives, guide them with wisdom that they might see beyond the present benefit to the greater good; guide them with courage that they might stand up against injustice and foul play; guide them with compassion that they might see faces behind issues.

In each of us there is a desire to do the best we can. Help us all today to realize that desire, to do what we do to the best of our ability, so that at the end of this day, we will hear you, Forgiving God, say to us, "Well done, good and faithful servant."

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brian Simpson, Kevin Kondracki, Abby Tucker, Brent Reeder, Lauren Bone, David Casey, Sarah Hageman, Erin Jenner, Craig Wills, Andrew Wills, Matthew Wills, Trevor McCotter, Sean McCotter, Bryan McCotter, Evan McCotter, Rhys McCotter and Amanda Sorenson.

The Journal of the thirty-ninth day was approved as corrected by the following vote:

AYES: 143

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaston

Gibbons Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Secrest

Seigfreid Shear Shields Skaggs Smith

Steen Stokan Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Bland Carter Copeland Daniel 42 Daniels 41

Ford Gaskill Goward Graham 24 Hand

Luetkenhaus Ostmann Sallee Scott Sheldon 104

Shelton 57 Stoll Thompson 37 Wannenmacher

VACANCY: 001

**RESOLUTIONS**

Representative Howerton offered House Resolution No. 413, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hand offered House Resolution No. 414, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution No. 415, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution No. 416, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 417, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Murphy and Enz offered House Resolution No. 418, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COURTESY RESOLUTIONS**

House Resolution Nos. 351 through 397, 399 through 408 and 410 through 412 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 351 through 397, 399 through 408 and 410 through 412 were adopted.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HJR 9** and **HCS HB 411**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**SECOND READING OF HOUSE BILLS**

**HB 846** through **HB 850** were read the second time.

**SECOND READING OF SENATE BILL**

**SB 240** was read the second time.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 411** - Budget (Fiscal Note)

**HB 418** - Education - Higher

**HB 808** - Judiciary

**HB 815** - Education - Elementary and Secondary

**HB 829** - Motor Vehicle and Traffic Regulations

**HB 830** - Workers Compensation and Employment Security

**HB 831** - Local Government and Related Matters

**HB 832** - Local Government and Related Matters

**HB 833** - Judiciary

**HB 834** - Consumer Protection

**HB 835** - Consumer Protection

**HB 836** - Judiciary

**HB 837** - Municipal Corporations

**HB 838** - Education - Elementary and Secondary

**HB 839** - Motor Vehicle and Traffic Regulations

**HB 840** - Public Health and Safety

**HB 841** - Criminal Law

**HB 842** - Professional Registration and Licensing

**HB 843** - Miscellaneous Bills and Resolutions

**HB 844** - Local Government and Related Matters

**HB 845** - Critical Issues

**HB 846** - Civil and Administrative Law

**HB 847** - Local Government and Related Matters

**HB 848** - Social Services, Medicaid and the Elderly

**HB 849** - Labor

**HB 850** - Civil and Administrative Law

**THIRD READING OF HOUSE BILL**

**HS HB 390**, relating to ambulance services, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **HS HB 390** was read the third time and passed by the following vote:

AYES: 133

Alter Backer Ballard Barnett 4 Barry 100
Bartelsmeyer Berkstresser Boatright Bonner Boucher
Broach Burton Campbell Champion Chrismer
Cierpiot Clayton Cooper Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Edwards-Pavia Elliott Enz
Evans Farnen Fitzwater Foley Ford
Franklin Fritts Froelker Gaskill Gaston
Graham 24 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Loudon Luetkenhaus Lumpe

Marble Mays 50 McBride McLuckie Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Skaggs
Steen Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 021

Akin Auer Bauer Bennett 15 Bray 84
Crawford Dougherty Farmer Foster Gibbons
Graham 106 Hendrickson Long May 108 McClelland
Murphy Scheve Shear Shelton 57 Smith
Stokan

PRESENT: 001

Shields

ABSENT WITH LEAVE: 007

Bland Carter Copeland Goward Hand
Thompson 37 Wannenmacher

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE JOINT RESOLUTION**

**HCS HJR 9**, relating to limitations on school district tax rates, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HCS HJR 9** was read the third time and passed by the following vote:

AYES: 115

Backer Barry 100 Bennett 15 Bland Boucher
Bray 84 Broach Campbell Carter Champion
Cierpiot Clayton Cooper Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Dougherty Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Gibbons Graham 24 Graham 106 Gratz Green
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kissell Koller Kreider Lakin Lawson
Leake Liese Long Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Monaco Murray Naeger O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Ransdall Reinhart Relford Reynolds
Robirds Ross Scheve Schilling Schwab
Scott Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Tate Thomason 163
Treadway Troupe Van Zandt Vogel Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 041

Akin Alter Auer Ballard Barnett 4
Bartelsmeyer Bauer Berkstresser Boatright Bonner
Burton Chrismer Crawford Donovan Edwards-Pavia
Elliott Enz Evans Froelker Gaskill
Gaston Griesheimer Hall Hohulin Legan
Levin Linton Lograsso Loudon Marble
Miller Murphy Nordwald Purgason Richardson
Ridgeway Rizzo Sallee Secrest Surface
Townley

PRESENT: 000

ABSENT WITH LEAVE: 006

Copeland Goward Hand Kennedy Thompson 37

Wannenmacher

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

**PERFECTION OF HOUSE BILL**

**HCS HB 335, with HS, as amended, and House Amendment No. 10, pending,** relating to managed care, was again taken up by Representative Harlan.

House Amendment No. 10 was withdrawn.

Representative Scheve offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 51, Section 354.606, Line 21, by adding after the word "advocating" the following: "**in good faith**"; and

Further amend said bill, Page 58, Section 354.609, Line 8, by adding after the word "provider" the following: "**in good faith"**

On motion of Representative Scheve, House Amendment No. 10 was adopted.

Representative Scheve offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1350, Line 20, by deleting all of said line and inserting in lieu thereof the following words "**Act, as amended,**";

further amend said bill, Pages 95-96, subsection 11 of Section 376.1361 by deleting all of said subsection and inserting in lieu thereof the following:

**"11. (1) This subsection shall apply to**

**(a) Any health benefit plan that is issued, amended, delivered or renewed on or after January 1, 1998, and provides coverage for drugs; and**

**(b) To any person making a determination regarding payment or reimbursement for a prescription drug pursuant to such plan.**

**(2) A health benefit plan that provides coverage for drugs shall provide coverage for any drug prescribed to treat an indication so long as the drug has been approved by the FDA for at least one indication, if the drug is recognized for treatment of the covered indication in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature and deemed medically appropriate.**

**(3) This section shall not be construed to require coverage for a drug when the FDA has determined its use to be contra-indicated for treatment of the current indication.**

**(4) A drug use that is covered pursuant to subsection 1 of this section shall not be denied coverage based on a "medical necessity" requirement except for a reason that is unrelated to the legal status of the drug use.**

**(5) Any drug or service furnished in a research trial, if the sponsor of the research trial furnishes such drug or service without charge to any participant in the research trial, shall not be subject to coverage pursuant to subsection 1 of this section.**

**(6) Nothing in this section shall require payment for non-formulary drugs.**".

Representative Kelley (47) offered House Substitute Amendment No. 1 for House Amendment No. 11.

House Substitute Amendment No. 1 for House Amendment No. 11 was withdrawn.

Representative Kelley (47) offered House Substitute Amendment No. 1 for House Amendment No. 11.

House Substitute Amendment No. 1 for House Amendment No. 11 was withdrawn.

On motion of Representative Scheve, House Amendment No. 11 was adopted.

Representative Gratz offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 1, In the Title, Line 8 of said title, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by inserting the number "376.1209," before the number "376.1350"; and

Further amend said bill, Page 84, Section 376.1350, Line 10 of said page, by inserting before all of said line the following:

"**376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore and achieve symmetry for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the**

**mastectomy and all other terms and conditions applicable to other benefits.**

**2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.**".

Representative Bartelsmeyer offered House Substitute Amendment No. 1 for House Amendment No. 12.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 1, In the Title, Line 8 of said title, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by inserting the number "376.1209," before the number "376.1350"; and

Further amend said bill, Page 84, Section 376.1350, Line 10 of said page, by inserting before all of said line the following:

"**376.1209. Each entity offering individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore and achieve symmetry and function for the patient incident to any covered disease, injury, medical procedure, surgery, treatment or prescriptive care. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the covered disease, injury, medical procedure, surgery, treatment or prescriptive care, and all other terms and conditions applicable to other benefits.**".

Representative Bartelsmeyer moved that House Substitute Amendment No. 1 for House Amendment No. 12 be adopted.

Which motion was defeated by the following vote:

AYES: 049

Akin Backer Barry 100 Bartelsmeyer Bauer

Berkstresser Boatright Bonner Broach Campbell

Champion Chrismer Cierpiot Crump Dolan

Dougherty Elliott Enz Evans Fritts

Froelker Gaskill Graham 24 Gratz Gunn

Hendrickson Hosmer Kelly 27 Kennedy Kissell

Lawson Levin Lograsso Long Luetkenhaus

Murphy Naeger Reynolds Richardson Ridgeway

Scott Sheldon 104 Shields Smith Stokan

Surface Vogel Williams 159 Mr. Speaker

NOES: 097

Alter Auer Ballard Barnett 4 Bennett 15
Bland Boucher Bray 84 Burton Carter
Clayton Cooper Crawford Daniels 41 Davis 63
Davis 122 Days DeMarce Donovan Farmer
Farnen Fitzwater Foley Foster Franklin
Gaston Gibbons Graham 106 Green Griesheimer
Gross Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hickey Holand Hollingsworth
Hoppe Johnson Kauffman Kelley 47 Koller
Kreider Lakin Leake Legan Liese
Loudon Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murray Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Pryor Purgason
Ransdall Reinhart Relford Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Secrest Seigfreid Shear Shelton 57 Skaggs
Steen Stoll Stroker Summers Tate
Thomason 163 Thompson 37 Treadway Van Zandt Wiggins
Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 016

Copeland Daniel 42 Edwards-Pavia Ford Goward
Hall Hand Hohulin Howerton Kasten
Linton Patek Townley Troupe Wannenmacher
Wooten

VACANCY: 001

Representative Gratz moved that House Amendment No. 12 be adopted.

Which motion was defeated.

Representative Liese offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 101, Section 376.1367, Lines 3-8, by deleting all of said lines and inserting in lieu thereof the following:

"**(3) When a covered person receives an emergency service that requires immediate post evaluation or post stabilization services, a health carrier shall provide an authorization decision within thirty minutes of receiving a request; if the authorization decision is not made within thirty minutes, such services shall be deemed approved.**"

On motion of Representative Liese, House Amendment No. 13 was adopted.

**HCS HB 335, with HS, as amended, pending,** was laid over.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 6**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 8**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 9**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 10**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 11**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 12**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 630 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it has been furnished an updated fiscal note and does not require Budget Committee review**.**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 540**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 105**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 105, Page 2, Section 163.021, Line 49, by inserting immediately after the word "**purposes**"

the following: "**and capital projects**".

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 526**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 191**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 669**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HCS HB 498 and 680**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 851**, introduced by Representative Evans, et al, relating to income taxation.

**HB 852**, introduced by Representative Luetkenhaus, relating to family planning services.

**HB 853**, introduced by Representative Edwards-Pavia, relating to certain building inspectors.

**HB 854**, introduced by Representative Edwards-Pavia, et al, relating to income taxation.

**HB 855**, introduced by Representative Edwards-Pavia, relating to income taxation.

**HB 856**, introduced by Representative Edwards-Pavia, relating to straight ticket voting.

**HB 857**, introduced by Representative DeMarce, relating to the probate code.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 72**, entitled:

An act to repeal sections 643.310, 643.315, 643.320, 643.335, 643.350 and 643.355, RSMo 1994, relating to motor vehicle emissions inspections, and to enact seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 247**, entitled:

An act to amend chapter 135, RSMo, relating to a tax credit for certain charitable contributions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 309**, entitled:

An act to repeal section 169.712, RSMo 1994, and sections 169.010, 169.040, 169.050, 169.070, 169.075, 169.600, 169.620, 169.630, 169.660 and 169.670, RSMo Supp. 1996, relating to certain school retirement systems, and to enact in lieu thereof eleven new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 334**, entitled:

An act to repeal section 136.055, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to the licensing of motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, March 24, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-ninth Day, Wednesday, March 19, 1997, Page 621, line 35 by placing the words "third or" in bold face type.

Page 621, line 36 by placing the words "or holding cell facility" in bold face type.

Pages 615 and 616, roll call, by showing Representatives Champion and Cierpiot voting "aye" rather than "absent with leave".

Pages 617 and 618, roll call, by showing Representative Hegeman voting "no" rather than "absent with leave".

Pages 631 and 632, roll call, by showing Representative Ross voting "no" rather than "absent with leave".

Page 634, roll call, by showing Representatives Wilson and Crawford voting "present" rather than "absent with leave".

Page 635, roll call, by showing Representative Seigfreid voting "aye" rather than "absent with leave".

Pages 640 and 641, roll call, by showing Representatives Cierpiot and Fitzwater voting "aye" rather than "absent with leave".

Pages 642 and 643, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Pages 643 and 644, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Pages 643 and 644, roll call, by showing Representative Hand "absent with leave" rather than voting "aye".

Pages 644 and 645, roll call, by showing Representative Kelley (47) voting "aye" rather than "absent with leave".

Pages 645 and 646, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".

Pages 646 and 647, roll call, by showing Representatives Cierpiot and Kelley (47) voting "aye" rather than "absent with leave".

Pages 649 and 650, roll call, by showing Representative Cierpiot voting "aye" rather than "absent with leave".

Page 653, roll call, by showing Representatives Barnett (4), Barry, Gunn and Relford voting "aye" rather than "absent with leave".

Page 654, roll call, by showing Representatives Champion and Kasten voting "aye" rather than "absent with leave".

Page 655, roll call, by showing Representatives Backer and Champion voting "aye" rather than "absent with leave".

Page 656, roll call, by showing Representatives Barnett (4) and Barry voting "aye" rather than "absent with leave".

Pages 657 and 658, roll call, by showing Representative Bonner voting "aye" rather than "absent with leave".

Page 660, roll call, by showing Representatives Barnett (4), Relford and Hollingsworth voting "aye" rather than "absent with leave".

Page 661, roll call, by showing Representatives Barnett (4), and Naeger voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, March 25, 1997, 12:00 pm. Senate hearing room 1.

To be considered - HB 13

CHILDREN, YOUTH, AND FAMILIES

Monday, March 24, 1997, 2:00 pm. Hearing Room 7. AMENDED NOTICE

Possible executive session.

To be considered - HB 811, HB 690, HB 818, HB 821

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 25, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 579, HB 292, Executive Session - HB 405,

Executive Session - HB 785, Executive Session - HB 787

EDUCATION - HIGHER

Wednesday, March 26, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 786

ELECTIONS

Tuesday, March 25, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 537, HB 573, HB 603, HB 779, HB 798

ENVIRONMENT AND ENERGY

Monday, March 24, 1997, 2:00 pm. Hearing Room 8.

To be considered - HB 358, HB 684, HB 819

INSURANCE

Tuesday, March 25, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 719

JUDICIARY

Tuesday, March 25, 1997. Hearing Room 5 upon morning adjournment.

To be considered - HB 694, HB 83

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, March 24, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 676

URBAN AFFAIRS

Tuesday, March 25, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 62

WAYS AND MEANS

Monday, March 24, 1997. Hearing Rooms 1 & 2. Executive session may follow.

To be considered - HB 675, HB 750, HB 796, HB 801

**HOUSE CALENDAR**

FORTY-FIRST DAY, MONDAY, MARCH 24, 1997

**HOUSE BILLS FOR SECOND READING**

HB 851 through HB 857

**HOUSE JOINT RESOLUTION FOR PERFECTION - INFORMAL**

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HB 1 - Green

HCS HB 2 - Franklin

HCS HB 3 - Franklin

HCS HB 4 - Green

HCS HB 5 - Green

HCS HB 6 - Tate

HCS HB 7 - Tate

HCS HB 8 - Franklin

HCS HB 9 - Lakin

HCS HB 10 - Carter

HCS HB 11 - Lakin

HCS HB 12 - Green/Franklin

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 335, with HS, as amended, pending - Harlan

2 HB 339, HCA 1 - Kreider

3 HCS HB 600 & 388 - Carter

4 HB 193 - Auer

5 HCS HB 528 - Wiggins

6 HCS HB 100 - Williams (121)

7 HCS HB 493 & 39 - Farnen

8 HCS HB 426, 576 & 567 - Luetkenhaus

9 HCS HB 472 - Luetkenhaus

10 HCS HB 738 - Hosmer

11 HB 338 - Gunn

12 HCS HB 369 - Clayton

13 HB 660 - Lumpe

14 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

15 HB 304, HCA 1 - Ransdall

16 HCS HB 276 - Davis (122)

17 HB 766, HCA 1 - Harlan

18 HCS HB 69 & 179 - Hosmer

19 HB 301, HCAs 1 & 2 - Lumpe

20 HB 389, HCA 1 - Luetkenhaus

21 HCS HB 396 - Hosmer

22 HCS HB 146 - Farmer

23 HCS HB 214 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 17, 1997)

1 HB 689 - Foley

2 HB 41 - Hosmer

3 HB 343 - Kelly (27)

4 HB 622 - Lakin

5 HB 126 - Dougherty

6 HB 249 - Kreider

7 HB 655 - May (108)

8 HB 125 - Heckemeyer

9 HB 652 - Backer

10 HB 609 - Summers

11 HB 793 - Auer

12 HB 761 - Hartzler (123)

13 HB 709 - Foley

14 HB 31 - Backer

15 HB 700 - Legan

16 HB 63 - Griesheimer

17 HB 124 - Dougherty

18 HB 692 - Luetkenhaus

19 HB 318 - Clayton

20 HB 711 - Hartzler (124)

21 HB 394 - Loudon

22 HB 727 - McBride

(March 19, 1997)

23 HB 713 - Davis (63)

24 HB 663 - Stokan

25 HB 773 - McBride

26 HB 769 - Relford

27 HB 783 - Stoll

28 HB 643 - Barry

29 HB 762 - Davis (63)

30 HB 654 - Bray

(March 24, 1997)

31 HB 540 - Bray

32 HB 526 - Koller

33 HB 590 - O'Toole

34 HB 659 - Clayton

35 HB 710 - Foley

36 HB 712 - Tate

37 HB 722 - Johnson

38 HB 734 - Bauer

39 HB 749 - Stroker

40 HB 756 - Luetkenhaus

41 HB 771 - Barnett

42 HB 523 - Skaggs

43 HB 340 - Pouche

44 HB 159 - Champion

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HJR 2 - Kreider

HJR 12 - Green

HJR 16 - Farnen

**HOUSE BILLS FOR THIRD READING**

HB 630 - Boucher

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

HCS HB 212, (Budget Fiscal, 3-18-97) - Treadway

HCS HB 529 - Crump

**HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HCS HB 411, E.C., (Budget Fiscal 3-20-97) - Dougherty

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 797, E.C. - Kissell

2 HB 379, E.C. - Franklin

3 HB 386 - Carter

4 HB 612 - Auer

5 HB 604 - Fritts

6 HB 791 - Stoll

7 HB 521 - Fitzwater

8 HB 543 - Franklin

9 HB 482 - Franklin

10 HB 169 - Skaggs

11 HB 628 - Froelker

**SENATE BILLS FOR SECOND READING**

SB 72

SB 247

SB 309

SB 334

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-FIRST DAY, Monday, March 24, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God." (Micah 6:8).

This is Holy Week in the Western Christian calendar. It is a time for acknowledging our sin, the need for a change of heart and a way of looking at our world with God's own viewpoint, with his mind.

Eternal God, Creator and Redeemer, we ask for forgiveness for what we have done to one another knowing that somehow since we are made in Your image, You have identified Yourself with the human person. May this thought inspire more of what we do as we exercise authority in Your name, Lord God, from whom all power comes, for and among the citizens of the State and those with whom we share the responsibility of governing in this chamber and in the Senate and with the Governor and Supreme Court. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrea Essner and Angela AuBuchon.

The Journal of the fortieth day was approved as corrected.

**RESOLUTIONS**

Representative Patek offered House Resolution Nos. 419 and 420, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 421, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 422, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 423, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaston offered House Resolution No. 424, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution Nos. 425 and 426, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution Nos. 427 and 428, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Robirds offered House Resolution No. 429, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Pryor offered House Resolution Nos. 430 and 431, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution Nos. 432 and 433, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 434, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTIONS**

Representative Backer offered House Concurrent Resolution No. 27.

Representative Cooper offered House Concurrent Resolution No. 28.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 2, HJR 12, HJR 16, HCS HB 529, HB 31, HB 41, HB 63, HB 124, HB 125, HB 126, HB 249, HB 318, HB 343, HB 394, HB 609, HB 622, HB 652, HB 655, HB 689, HB 692, HB 700, HB 709, HB 711, HB 727, HB 761** and **HB 793**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**SECOND READING OF HOUSE BILLS**

**HB 851** through **HB 857** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 72, SB 247, SB 309** and **SB 334** were read the second time.

**THIRD READING OF HOUSE JOINT RESOLUTIONS**

**HJR 2**, relating to school bond debt limit, was taken up by Representative Kreider.

On motion of Representative Kreider, **HJR 2** was read the third time and passed by the following vote:

AYES: 124

Auer Backer Barnett 4 Barry 100 Bauer

Bennett 15 Berkstresser Bland Boucher Bray 84

Broach Campbell Carter Champion Cierpiot

Cooper Crawford Crump Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Farmer Farnen Fitzwater Foley
Franklin Fritts Froelker Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Levin
Liese Lograsso Long Loudon Luetkenhaus
Lumpe May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murray Naeger
Nordwald O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Ransdall Reinhart
Relford Reynolds Ridgeway Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Steen Stokan Stoll
Stroker Summers Tate Thomason 163 Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 025

Akin Alter Ballard Boatright Bonner
Burton Chrismer Edwards-Pavia Elliott Enz
Evans Foster Gaston Hall Hendrickson
Hohulin Legan Linton Marble Murphy
Purgason Richardson Smith Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 013

Bartelsmeyer Clayton Copeland Daniel 42 Ford
Gaskill Goward Hand Kauffman O'Connor
Rizzo Thompson 37 Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HJR 12**, relating to obligation for leased property, was taken up by Representative Green.

On motion of Representative Green, **HJR 12** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Cooper Crawford Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 015

Bartelsmeyer Clayton Copeland Crump Daniel 42
Gaskill Goward Hand Harlan Hickey
Kauffman McLuckie Rizzo Thompson 37 Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HJR 16**, relating to initiative petitions, was taken up by Representative Farnen.

On motion of Representative Farnen, **HJR 16** was read the third time and passed by the following vote:

AYES: 135

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Cooper Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Griesheimer Gross Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Legan Levin
Liese Linton Long Luetkenhaus Lumpe
May 108 Mays 50 McClelland Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 008

Akin Berkstresser Froelker Hall Hohulin
Lograsso Loudon Marble

PRESENT: 000

ABSENT WITH LEAVE: 019

Bartelsmeyer Clayton Copeland Crawford Daniel 42
Ford Goward Green Hand Kauffman
Leake McBride McLuckie Murphy Ridgeway
Rizzo Stokan Thompson 37 Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Hagan-Harrell moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS**

**HB 630**, relating to flag etiquette, was taken up by Representative Boucher.

On motion of Representative Boucher, **HB 630** was read the third time and passed by the following vote:

AYES: 136

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bland Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Cooper Crawford Crump Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Foley Foster Franklin Fritts
Froelker Gaskill Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Pryor
Ransdall Reinhart Relford Reynolds Richardson
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 010

Bennett 15 Berkstresser Gaston Hohulin Naeger
Patek Purgason Ridgeway Seigfreid Steen

PRESENT: 000

ABSENT WITH LEAVE: 016

Bartelsmeyer Clayton Copeland Daniel 42 Daniels 41
Fitzwater Ford Goward Hand Kauffman
Legan Lumpe Rizzo Stokan Thompson 37
Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 529**, relating to regional jail districts, was taken up by Representative Crump.

On motion of Representative Crump, **HCS HB 529** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Cooper Crawford Crump
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer Clayton Copeland Daniel 42 Ford

Goward Gunn Hand Kauffman Rizzo

Thompson 37 Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILL**

**HCS HB 335, with HS, as amended, pending**, relating to managed care, was again taken up by Representative Harlan.

Representative Auer offered House Amendment No. 14.

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 37, Section 354.505, Line 18 of said page, by striking the opening bracket "["; and

Further amend said bill, Page 37, Section 354.605, Line 21 of said page, by striking the closing bracket "]".

Representative Auer moved that House Amendment No. 14 be adopted.

Which motion was defeated by the following vote:

AYES: 016

Auer Campbell Crawford Evans Green
Gross Gunn Hickey Legan Linton
Loudon McBride O'Connor Patek Rizzo
Treadway

NOES: 133

Akin Alter Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Carter Champion Chrismer Cierpiot
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Griesheimer Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Levin Liese Lograsso
Luetkenhaus Lumpe Marble Mays 50 McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald Ostmann Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Bartelsmeyer Clayton Cooper Copeland Farmer

Ford Goward Hand Kauffman Long

May 108 O'Toole Troupe

VACANCY: 001

Representative Howerton offered House Amendment No. 15.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 117, Section 376.1390, by inserting after said section, the following:

"**Section 1. The Director of the Department of Insurance shall develop a standard credentialing form which shall be used by all health carriers when credentialing health care professionals in a managed care plan. If the health carrier demonstrates a need for additional information, the Director of the Department of Insurance may approve a supplement to the standard credentialing form. All forms and supplements shall meet all requirements as defined by the National Committee of Quality Assurance.**" and

Further amend title and enacting clause accordingly.

On motion of Representative Howerton, House Amendment No. 15 was adopted.

Representative Smith offered House Amendment No. 16.

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 117, Section 376.1390, Line 10, by adding after said line the following:

"538.205. Definitions. As used in sections 538.205 to 538.230, the following terms shall mean:

(1) **"Economic damages"**, damages arising from pecuniary harm including, without limitation, medical damages, and those damages arising from lost wages and lost earning capacity;

(2) **"Equitable share"**, the share of a person or entity in an obligation that is the same percentage of the total obligation as the person's or entity's allocated share of the total fault, as found by the trier of fact;

(3) **"Future damages"**, damages that the trier of fact finds will accrue after the damages findings are made;

(4) **"Health care provider"**, any physician, hospital, **health maintenance organization,** ambulatory surgical center, long-term care facility, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate;

(5) **"Health care services"**, any services that a health care provider renders to a patient in the ordinary course of the health care provider's profession or, if the health care provider is an institution, in the ordinary course of furthering the purposes for which the institution is organized. Professional services shall include, but are not limited to, transfer to a patient of goods or services incidental or pursuant to the practice of the health care provider's profession or in furtherance of the purposes for which an institutional health care provider is organized;

(6) **"Medical damages"**, damages arising from reasonable expenses for necessary drugs, therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative services;

(7) **"Noneconomic damages"**, damages arising from nonpecuniary harm including, without limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

(8) **"Past damages"**, damages that have accrued when the damages findings are made;

(9) **"Physician employee"**, any person or entity who works for hospitals for a salary or under contract and who is covered by a policy of insurance or self-insurance by a hospital for acts performed at the direction or under control of the hospital;

(10) **"Punitive damages"**, damages intended to punish or deter willful, wanton or malicious misconduct;

(11) **"Self-insurance"**, a formal or informal plan of self-insurance or no insurance of any kind."; and

Further amend the Title and Section A accordingly.

Representative Foley raised a point of order that House Amendment No. 16 is not germane to the bill.

Representative Harlan raised a further point of order that House Amendment No. 16 was amending previously amended material.

The Chair ruled the points of order not well taken.

On motion of Representative Smith, House Amendment No. 16 was adopted.

Representative Gunn offered House Amendment No. 17.

Representative Foley raised a point of order that House Amendment No. 17 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Thomason (163) offered House Amendment No. 17.

*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Section 354.443, Page 31, by deleting all of said section and inserting in lieu thereof, the following:

"A health benefit plan shall not, in its contracts with participating providers, offer inducements, direct or indirect, that would result in withholding of medically necessary covered health services."

Representative Thomason (163) moved that House Amendment No. 17 be adopted.

Which motion was defeated by the following vote:

AYES: 039

Auer Bennett 15 Burton Champion Cierpiot

Elliott Evans Fitzwater Franklin Fritts

Froelker Gibbons Graham 106 Gunn Hall
Heckemeyer Hollingsworth Kelley 47 Kennedy Koller
Lakin Linton Marble Mays 50 McBride
Reinhart Ridgeway Ross Sallee Scheve
Scott Seigfreid Smith Stokan Surface
Tate Thomason 163 Wannenmacher Williams 159

NOES: 108

Akin Alter Backer Ballard Barnett 4
Barry 100 Bauer Berkstresser Bland Boatright
Bonner Boucher Bray 84 Broach Campbell
Carter Chrismer Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Enz Farnen Foley Foster Gaskill
Gaston Graham 24 Green Griesheimer Gross
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Hegeman
Hendrickson Hickey Hohulin Holand Hoppe
Hosmer Howerton Johnson Kasten Kelly 27
Kissell Kreider Lawson Leake Legan
Levin Liese Loudon Luetkenhaus Lumpe
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Relford Reynolds Richardson Rizzo
Robirds Schilling Schwab Secrest Shear
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stoll Stroker Summers Thompson 37 Townley
Treadway Van Zandt Vogel Wiggins Williams 121
Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Bartelsmeyer Clayton Copeland Farmer Ford
Goward Gratz Hand Kauffman Lograsso
Long May 108 O'Connor O'Toole Troupe

VACANCY: 001

Representative Barry offered House Amendment No. 18.

*House Amendment No. 18*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 40, Section 354.535, Line 2, by inserting after said line, the following:

"**A health care maintenance organization shall not set the limit on the quantity of drugs which a covered person may obtain at any one time to be less than a ninety day supply. A health maintenance organization shall not charge the covered person a deductible or copayment for a supply of ninety days or more which exceeds the proportion of the deductible or copayment charged for a supply of less than ninety days.**"

Representative Barry moved that House Amendment No. 18 be adopted.

Which motion was defeated.

Representative Holand offered House Amendment No. 19.

*House Amendment No. 19*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 51, Section 354.606, Line 19, by inserting immediately after the period "." on said line the following:

"**The department shall use the Medicare standards in this determination, as provided in 42 C.F.R. 417.479 or its successor.**"

On motion of Representative Holand, House Amendment No. 19 was adopted.

**HCS HB 335, with HS, as amended, pending**, was laid over.

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 19** - Federal-State Relations and Veterans Affairs

**HCR 20** - Federal-State Relations and Veterans Affairs

**HCR 21** - Budget

**HCR 24** - Utilities Regulations

**HCR 25** - Miscellaneous Bills and Resolutions

**HCR 26** - Federal-State Relations and Veterans Affairs

**COMMITTEE REPORTS**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 128**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HCS HB 560**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 642**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 133**, entitled:

An act to repeal section 190.308, RSMo Supp. 1996, relating to emergency telephone service, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 171**, entitled:

An act to repeal section 429.015, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 315**, entitled:

An act to repeal sections 304.050 and 307.375, RSMo 1994, relating to crossing control arms on school buses, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 316**, entitled:

An act to repeal section 301.025, RSMo Supp. 1996, relating to personal property tax receipts used for motor vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 368**, entitled:

An act to repeal section 140.170, RSMo Supp. 1996, relating to delinquent property taxes, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 430**, entitled:

An act to repeal sections 595.010 and 595.020, RSMo 1994, and sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause for certain sections.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 20**, introduced by Representative Murphy, et al, relating to taxation.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 858**, introduced by Representative Heckemeyer, relating to certain state property.

**HB 859**, introduced by Representative Farnen, relating to the department of social services.

**HB 860**, introduced by Representative Boucher, relating to school districts.

**HB 861**, introduced by Representative Graham (24), et al, relating to recording telephone conversations.

**HB 862**, introduced by Representative Gibbons, relating to property taxation.

**HB 863**, introduced by Representative Harlan, relating to motor vehicle insurance.

**HB 864**, introduced by Representative Pouche, relating to clean lakes.

**HB 865**, introduced by Representative Levin, relating to charter cities.

**HB 866**, introduced by Representative Levin, relating to open meetings of certain political subdivisions.

**HB 867**, introduced by Representative Harlan, relating to the sunshine law.

**HB 868**, introduced by Representative Murphy, et al, relating to assessment of property for taxation.

**HB 869**, introduced by Representative Murphy, relating to sales taxation.

**HB 870**, introduced by Representatives Rizzo, Van Zandt and Scheve, relating to income taxation.

**HB 871**, introduced by Representative Liese, relating to life insurance.

**HB 872**, introduced by Representative Gibbons, relating to the corporate franchise tax.

**WITHDRAWAL OF HOUSE BILL**

March 18, 1997

The Honorable Steve Gaw
Speaker of the House of Representatives
State Capitol Building
Jefferson City, MO 65101

Dear Speaker Gaw:

Please withdraw House Bill No. 581. Thank you for your assistance.

Respectfully submitted,

/s/ Daniel J. Hegeman

State Representative

Representative Wannenmacher made notice of his absence from House proceedings on Wednesday, March 19, 1997, and Thursday, March 20, 1997, and his presence was noted, as requested, on Wednesday, March 19, 1997.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, March 25, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Thirty-ninth Day, Wednesday, March 19, 1997, pages 617 and 618, roll call, by showing Representative Hegeman voting "no" rather than "aye".

Correct House Journal, Fortieth Day, Thursday, March 20, 1997, pages 671 and 672, roll call, by showing Representative Carter voting "aye" rather than "absent with leave".

Page 674, roll call, by showing Representative Carter voting "no" rather than "absent with leave".

Page 675, roll call, by showing Representative Kennedy voting "aye" rather than "absent with leave".

Pages 678 and 679, roll call, by showing Representative Patek voting "no" rather than "absent with leave".

Pages 678 and 679, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, March 25, 1997, 12:00 pm. Senate hearing room 1.

To be considered - HB 13

BUDGET

Tuesday, March 25, 1997, 8:30 am. Hearing Room 9.

To be considered - HJR 14, HB 361, HB 212, HB 411

CONSUMER PROTECTION

Tuesday, March 25, 1997, 8:00 p.m. Hearing Room 1. Executive session may follow.

To be considered - HB 834, HB 835, HB 825

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, March 25, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 802, HB 820, HB 823

CRIMINAL LAW

Wednesday, March 26, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 485, HB 118, HB 511, HB 164, HB 670

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, March 25, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 579, HB 292, Executive Session - HB 405, Executive Session - HB 785, Executive Session - HB 787

EDUCATION - HIGHER

Wednesday, March 26, 1997. Hearing Room 8 upon morning adjournment.

AMENDED NOTICE

To be considered - HB 786, Executive Session - HB 704

ELECTIONS

Tuesday, March 25, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

AMENDED NOTICE

To be considered - HB 537, HB 573, HB 779

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 26, 1997, 8:00 am. Hearing Room 8. Executive session will follow.

To be considered - HB 764, HB 685

INSURANCE

Tuesday, March 25, 1997, 8:30 am. Hearing Room 8.

To be considered - HB 719

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, March 26, 1997, 9:00 am. Senate Committee Room 1. Contested fiscal note.

To be considered - SB 367, HB 815

JUDICIARY

Tuesday, March 25, 1997. Hearing Room 5 upon morning adjournment.

To be considered - HB 694, HB 83

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, March 25, 1997. Hearing Room 4 upon morning adjournment.

Executive session may follow.

To be considered - HB 813, HB 816, HB 844, HB 832

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, March 25, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

AMENDED AND CORRECTED NOTICE

To be considered - HB 814, HB 826, HB 839

MUNICIPAL CORPORATIONS

Wednesday, March 26, 1997. Hearing Room 7 upon morning adjournment.

Executive session.

To be considered - HB 755, HB 794, HB 592, HB 515

PUBLIC HEALTH AND SAFETY

Tuesday, March 25, 1997, 1:00 pm. Hearing Room 9. Executive session may follow.

To be considered - HB 729, HB 800, HB 840

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, March 25, 1997. Side gallery upon morning adjournment. Executive session.

URBAN AFFAIRS

Tuesday, March 25, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - HB 62

WAYS AND MEANS

Tuesday, March 25, 1997. Hearing Rooms 1 & 2 upon morning adjournment.

Executive session may follow. AMENDED AND CORRECTED NOTICE

To be considered - HB 675, HB 750, HB 796, HB 810

**HOUSE CALENDAR**

FORTY-SECOND DAY, TUESDAY, MARCH 25, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 20

**HOUSE BILLS FOR SECOND READING**

HB 858 through HB 872

**HOUSE JOINT RESOLUTION FOR PERFECTION - INFORMAL**

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

1 HB 1 - Green

2 HCS HB 2 - Franklin

3 HCS HB 3 - Franklin

4 HCS HB 4 - Green

5 HCS HB 5 - Green

6 HCS HB 6 - Tate

7 HCS HB 7 - Tate

8 HCS HB 8 - Franklin

9 HCS HB 9 - Lakin

10 HCS HB 10 - Carter

11 HCS HB 11 - Lakin

12 HCS HB 12 - Green/Franklin

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 335, with HS, as amended, pending - Harlan

2 HB 339, HCA 1 - Kreider

3 HCS HB 600 & 388 - Carter

4 HB 193 - Auer

5 HCS HB 528 - Wiggins

6 HCS HB 100 - Williams (121)

7 HCS HB 493 & 39 - Farnen

8 HCS HB 426, 576 & 567 - Luetkenhaus

9 HCS HB 472 - Luetkenhaus

10 HCS HB 738 - Hosmer

11 HB 338 - Gunn

12 HCS HB 369 - Clayton

13 HB 660 - Lumpe

14 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

15 HB 304, HCA 1 - Ransdall

16 HCS HB 276 - Davis (122)

17 HB 766, HCA 1 - Harlan

18 HCS HB 69 & 179 - Hosmer

19 HB 301, HCAs 1 & 2 - Lumpe

20 HB 389, HCA 1 - Luetkenhaus

21 HCS HB 396 - Hosmer

22 HCS HB 146 - Farmer

23 HCS HB 214 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 19, 1997)

1 HB 713 - Davis (63)

2 HB 663 - Stokan

3 HB 773 - McBride

4 HB 769 - Relford

5 HB 783 - Stoll

6 HB 643 - Barry

7 HB 762 - Davis (63)

8 HB 654 - Bray

(March 24, 1997)

9 HB 540 - Bray

10 HB 526 - Koller

11 HB 590 - O'Toole

12 HB 659 - Clayton

13 HB 710 - Foley

14 HB 712 - Tate

15 HB 722 - Johnson

16 HB 734 - Bauer

17 HB 749 - Stroker

18 HB 756 - Luetkenhaus

19 HB 771 - Barnett

20 HB 523 - Skaggs

21 HB 340 - Pouche

22 HB 159 - Champion

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

HCS HB 212, (Budget Fiscal, 3-18-97) - Treadway

**HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HCS HB 411, E.C., (Budget Fiscal 3-20-97) - Dougherty

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 797, E.C. - Kissell

2 HB 379, E.C. - Franklin

3 HB 386 - Carter

4 HB 612 - Auer

5 HB 604 - Fritts

6 HB 791 - Stoll

7 HB 521 - Fitzwater

8 HB 543 - Franklin

9 HB 482 - Franklin

10 HB 169 - Skaggs

11 HB 628 - Froelker

12 HB 689 - Foley

13 HB 41 - Hosmer

14 HB 343 - Kelly (27)

15 HB 622 - Lakin

16 HB 126 - Dougherty

17 HB 249 - Kreider

18 HB 655 - May (108)

19 HB 125 - Heckemeyer

20 HB 652 - Backer

21 HB 609 - Summers

22 HB 793 - Auer

23 HB 761 - Hartzler (123)

24 HB 709, E.C. - Foley

25 HB 31 - Backer

26 HB 700 - Legan

27 HB 63 - Greisheimer

28 HB 124 - Dougherty

29 HB 692 - Luetkenhaus

30 HB 318 - Clayton

31 HB 711 - Hartzler (124)

32 HB 394 - Loudon

33 HB 727 - McBride

**SENATE BILLS FOR SECOND READING**

SB 133

SB 171

SB 315

SCS SB 316

SB 368

SCS SB 430

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-SECOND DAY, Tuesday, March 25, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Honor everyone." (I Pet. 2;17)

One of my reactions to the Academy Awards nominees and honorees was to marvel at the diversity of our world which is reflected in the films.

Gracious God, we are inclined to live and move in narrowly defined circles, we attend school, we marry, we go to worship with generally like-minded people. We may take some trips to different places, we may have some friends or work with people who are from a different background, but generally we tend to be reinforced in our own value system, and yes, in our own prejudices. It is so difficult for us, therefore, to appreciate the diversity, to get inside the skin of the other. Gracious God, we welcome and celebrate diversity and be open to what is different and to reject stereotypes. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Rhodes, David Lieber, Joel Meyer, Ryan Ball, Erik McDonald, Adam Covault, Adam Monaco, Brian Fuller, Michael Astrack, Brad Wisbrock, Jamie Exner, Joseph Walsh, Jamie Brewer, William Maue, Andrew Marx, Steven Astrack, Dillion Russel-Kenniston, Rickey Abeln, Benny Vitale, Jonathan Studdard, Mark Verity, James Hammond, Michael Miller, Keith McCord, Christopher Tulk, Jeremy Johnson, Ryan Laudenslager, Stephen Nester, Trent Whitley, Paul Bick, Renee Rardin, Joshua Burr, Alexander Geiselmann, Eric Sweet, Daniel Miller, Greg Abell, Angela Korte, Kylee Dillion, Matt Spalding, Jeremy Kerns, Bryan Metzinger, Sarah Russell, Natalie Malaney, Holly Brand, Anke Scheibler, Alison Casper, Natalie Norlund, Mason Miller, Carolyn Moncrief, Lauren Hutcheson, Trisha Shope, Jacob Walker, Tasha Rinck and Brian Hayes.

The Journal of the forty-first day was approved as corrected by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 001

Bartelsmeyer

ABSENT WITH LEAVE: 006

Bray 84 Copeland Ford Hand Kauffman

Troupe

VACANCY: 001

**RESOLUTIONS**

Representative Liese offered House Resolution No. 435, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution Nos. 436 through 444, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Farnen offered House Resolution No. 445, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Gaw, et al, offered House Concurrent Resolution No. 29.

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 20** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 858** through **HB 872** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 133, SB 171, SB 315, SCS SB 316, SB 368,** and **SCS SB 430** were read the second time.

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

Speaker Gaw assumed the Chair.

**HB 1**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HB 1** was ordered perfected and printed.

**HCS HB 2**, relating to appropriations, was taken up by Representative Franklin.

Representative Edwards-Pavia offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2, Page 5, Section 2.080, Line 8, by deleting:

From General Revenue Fund $20,000,000

and replacing with

From General Revenue Fund $15,000,000

Representative Edwards-Pavia moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Franklin, **HCS HB 2** was adopted.

On motion of Representative Franklin, **HCS HB 2** was ordered perfected and printed.

**HCS HB 3**, relating to appropriations, was taken up by Representative Franklin.

Representative Bennett offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 3, Section 3.090, by deleting the figure "107,311,094" and inserting in lieu thereof the figure "107,311,723" and further amend said section by deleting the figure "110,680,106" and inserting in lieu thereof the figure "110,680,735"; and

Further amend said bill; Section 3.100; by deleting the figure "46,395,981" and inserting in lieu thereof the figure "46,407,881" and further amend said section, by deleting the figure "50,903,836" and inserting in lieu thereof the figure "50,915,736"; and

Further amend said bill; Section 3.105; by deleting the figure "37,750,749" and inserting in lieu thereof the figure "37,773,039" and further amend said section, by deleting the figure "41,936,402" and inserting in lieu thereof the figure "41,958,692"; and

Further amend said bill; Section 3.110; by deleting the figure "65,688,217" and inserting in lieu thereof the figure "65,728,597" and further amend said section, by deleting the figure "73,366,771" and inserting in lieu thereof the figure "73,407,151"; and

Further amend said bill; Section 3.115, by deleting the figure "12,893,025" and inserting in lieu thereof the figure "12,868,875" and further amend said section by deleting the figure "14,452,976" and inserting in lieu thereof the figure "14,428,826"; and

Further amend said bill, Section 3.120, by deleting the figure "33,176,188" and inserting in lieu thereof the figure "33,195,928" and further amend said section by deleting the figure "36,433,196" and inserting in lieu thereof the figure "36,452,936"; and

Further amend said bill; Section 3.125, by deleting the figure "22,904,319" and inserting in lieu thereof the figure "22,921,079" and further amend said section by deleting the figure "25,310,851" and inserting in lieu thereof the figure "25,327,611"; and

Further amend said bill, Section 3.130, by deleting the figure "16,641,122" and inserting in lieu thereof the figure "16,651,952" and further amend said section by deleting the figure "18,318,421" and inserting in lieu thereof the figure "18,329.251"; and

Further amend said bill; Section 3.135, by deleting the figure "16,670,585" and inserting in lieu thereof the figure "16,675,715" and further amend said section by deleting the figure "18,360,895" and inserting in lieu thereof the figure "18,366,025"; and

Further amend said bill; Section 3.140, by deleting the figure "7,294,705" and inserting in lieu thereof the figure "7,276,704" and further amend said section by deleting the figure "7,887,136" and inserting in lieu thereof the figure "7,869,135"; and

Further amend said bill; Section 3.145, by deleting the figure "331,142,891" and inserting in lieu thereof the figure "331,053,081" and further amend said section by deleting the figure "368,507,930" and inserting in lieu thereof the figure "368,418,120"; and

Further amend said bill, in the TOTALS, by deleting the figure "776,622,941" and inserting in lieu thereof the figure "776,618,637" and further amend said TOTALS by deleting the figure "880,618,076" and inserting in lieu thereof the figure "880,613,772".

Representative Thompson (37) raised a point of order that House Amendment No. 1 is not a true amendment.

The Chair ruled the point of order untimely.

Representative Bennett moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 055

Alter Ballard Barnett 4 Barry 100 Bartelsmeyer
Bennett 15 Berkstresser Boatright Burton Champion
Chrismer Cierpiot Dolan Edwards-Pavia Elliott
Enz Evans Foster Froelker Gaskill
Gaston Gibbons Gross Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Howerton
Legan Levin Linton Lograsso Long
Loudon Marble Miller Naeger Patek
Pouche Pryor Purgason Reinhart Richardson
Ridgeway Robirds Sallee Scott Secrest
Shields Steen Surface Townley Treadway

NOES: 099

Akin Auer Backer Bauer Bland
Bonner Boucher Broach Campbell Carter
Clayton Cooper Crawford Crump Daniels 41
Davis 63 Davis 122 Days DeMarce Donovan
Dougherty Farmer Farnen Fitzwater Foley
Franklin Fritts Goward Graham 24 Graham 106
Gratz Green Griesheimer Gunn Hagan-Harrell
Harlan Heckemeyer Hickey Holand Hollingsworth
Hosmer Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Liese Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Monaco Murphy Murray Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Ransdall
Relford Reynolds Rizzo Ross Scheve

Schilling Schwab Seigfreid Shear Sheldon 104

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Summers Tate Thomason 163 Thompson 37

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Copeland Daniel 42 Ford Hand

Hoppe Kauffman Troupe

VACANCY: 001

On motion of Representative Franklin, **HCS HB 3** was adopted.

On motion of Representative Franklin, **HCS HB 3** was ordered perfected and printed.

**HCS HB 4**, relating to appropriations, was taken up by Representative Green.

Representative Backer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 4, Page 2, Section 4.020, Lines 1-5, by deleting all of said section and further amend said bill, Page 2, Section 4.005, Line 10 by deleting from said line the figure "14,601" and inserting in lieu thereof the figure "735,450"; and

Further amend said section, Line 16, by deleting from said line the figure "79,171,822" and inserting in lieu thereof the figure "79,892,671" and by deleting from said line the figure "2,015.25" and inserting in lieu thereof the figure "2,031.75"

On motion of Representative Backer, House Amendment No. 1 was adopted.

On motion of Representative Green, **HCS HB 4, as amended,** was adopted.

On motion of Representative Green, **HCS HB 4, as amended,** was ordered perfected and printed.

**HCS HB 5**, relating to appropriations, was taken up by Representative Green.

Representative Cierpiot offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 5, Page 6 and 7, Section 5.125, Line 3, by deleting lines 3 through 11 and inserting in lieu thereof the following:

3 For the purpose of funding the operation of

4 the State Capitol Building $2,352,659

5 the Broadway State Office Building $571,410

6 the Supreme Court State Office Building $278,770

7 the Jefferson State Office Building $1,072,806

8 the Electronic Data Processing Building $100,775

9 the State Health Laboratory $200,264

10 the H.S. Truman State Office Building $2,036,429

11 the Missouri Boulevard State Office Building $160,951

12 the Office of Administration East Garage $50,000

13 the State Petroleum Laboratory $16,158

14 the Missouri Boulevard Simpson Building Warehouse $144,118

15 the Missouri State Information Center $794,880

16 the Department of Labor and Industrial Relations State Office Building $164,839

17 the Kansas City State Office Building $1,237,860

18 the Penney State Office Building $166,543

19 the Landers State Office Building $552,618

20 the Wainwright State Office Building $1,247,572

21 the Midtown State Office Building $642,144

22 the St. Joseph State Office Building $311,624

23 For the purpose of funding the operation of the office buildings, laboratories, and support facilities at the seat of government

24 From State Facility Maintenance and Operation Fund

25 (Not to exceed 221.11 F.T.E.) $12,102,420

Representative Scheve assumed the Chair.

Representative Cierpiot moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 059

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Champion

Chrismer Cierpiot Crawford Dolan Edwards-Pavia

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Griesheimer Gross Hartzler 123

Hartzler 124 Hegeman Hendrickson Holand Howerton

Kelley 47 Levin Linton Lograsso Long

Loudon Marble McClelland Miller Naeger

Nordwald Ostmann Patek Pouche Pryor

Purgason Reinhart Richardson Robirds Ross

Sallee Schwab Scott Sheldon 104 Shields

Steen Summers Surface Townley

NOES: 084

Auer Backer Barry 100 Bauer Bland

Boucher Broach Burton Campbell Carter

Clayton Cooper Crump Daniels 41 Davis 63

Davis 122 Days DeMarce Dougherty Farmer

Farnen Foley Franklin Fritts Graham 24

Gratz Green Gunn Hagan-Harrell Harlan

Heckemeyer Hickey Hollingsworth Hoppe Hosmer

Johnson Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Liese

Luetkenhaus Lumpe May 108 Mays 50 McBride

McLuckie Monaco Murray O'Connor O'Toole

Overschmidt Parker Ransdall Relford Reynolds

Rizzo Scheve Schilling Seigfreid Shear

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Tate Thomason 163 Thompson 37 Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 019

Bray 84 Copeland Daniel 42 Donovan Elliott

Fitzwater Ford Goward Graham 106 Hall

Hand Hohulin Kasten Kauffman Legan

Murphy Ridgeway Secrest Troupe

VACANCY: 001

On motion of Representative Green, **HCS HB 5** was adopted.

On motion of Representative Green, **HCS HB 5** was ordered perfected and printed.

**HCS HB 6**, relating to appropriations, was taken up by Representative Tate.

Representative Crump offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 6, Page 28, Section 6.500, Line 6, by inserting after line 6 the following:

"Section 6.501. To the Department of Conservation

For the purpose of providing refunds to all merchants who suffered

economic loss due to problems caused by the Department of Conservation's

new electronic deer permitting process. The amount of refund shall be

$250 per each merchant's terminal.

Program Specific Distribution $338,000

From Conservation Commission Fund (Not to exceed 0 F.T.E.) $338,000"

On motion of Representative Crump, House Amendment No. 1 was adopted by the following vote:

AYES: 085

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright

Broach Champion Chrismer Cierpiot Clayton

Crawford Crump Daniels 41 Davis 63 DeMarce

Dolan Donovan Edwards-Pavia Enz Evans

Farnen Foley Foster Fritts Froelker

Gaskill Gaston Gross Hartzler 123 Hartzler 124

Heckemeyer Hendrickson Hohulin Hoppe Hosmer

Howerton Johnson Kelley 47 Kelly 27 Kissell

Lawson Leake Levin Liese Lograsso

Long Loudon Luetkenhaus Marble Mays 50

Miller Murray Nordwald Overschmidt Parker

Patek Pryor Purgason Reinhart Reynolds

Richardson Rizzo Robirds Ross Sallee

Schwab Scott Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Summers Thomason 163

Townley Treadway Wannenmacher Wiggins Williams 159

NOES: 055

Auer Backer Bland Bonner Boucher

Burton Campbell Carter Cooper Davis 122

Days Dougherty Farmer Fitzwater Franklin

Gibbons Graham 24 Graham 106 Green Griesheimer

Gunn Hegeman Hickey Holand Hollingsworth

Kasten Kennedy Kreider Lakin Linton

Lumpe May 108 McBride McClelland McLuckie

Monaco O'Connor O'Toole Ostmann Ransdall

Relford Ridgeway Scheve Seigfreid Shear

Stokan Stroker Surface Tate Thompson 37

Van Zandt Williams 121 Wilson Wooten Mr. Speaker

PRESENT: 001

Koller

ABSENT WITH LEAVE: 021

Bray 84 Copeland Daniel 42 Elliott Ford

Goward Gratz Hagan-Harrell Hall Hand

Harlan Kauffman Legan Murphy Naeger

Pouche Schilling Secrest Stoll Troupe

Vogel

VACANCY: 001

Representative Tate offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 6, Page 3, Section 6.005, Line 39, by deleting the figure "36.00" and inserting in lieu thereof the figure "40.00"; and

Further amend said bill, Page 3, Section 6.015, Line 4, by deleting the figure "$1,0600,000" and inserting in lieu thereof the figure "$1,000,000"; and

Further amend said bill, Page 13, Section 6.222, Line 3, by deleting the figure "1996" and inserting in lieu thereof the following "1997, and prior years".

On motion of Representative Tate, House Amendment No. 2 was adopted.

On motion of Representative Tate, **HCS HB 6, as amended,** was adopted.

On motion of Representative Tate, **HCS HB 6, as amended,** was ordered perfected and printed.

On motion of Representative Backer, the House recessed until 2:10 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Representative Scheve.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Sara Besserman.

**RESOLUTIONS**

Representative Relford offered House Resolution Nos. 446 and 447, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fritts offered House Resolution No. 448, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 449.

Representative Robirds offered House Resolution No. 450, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Shields offered House Concurrent Resolution No. 30.

**PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 7**, relating to appropriations, was taken up by Representative Tate.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 009

Bray 84 Copeland Ford Goward Hall

Hand Kauffman Long Sheldon 104

VACANCY: 001

Representative Tate offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 7, Page 14, Section 7.805, Line 6, by deleting the words "Workers' Compensation" and inserting in lieu thereof the words "General Revenue"; and

Further amend said bill, Page 19, Section 7.895, Line 9, by deleting the figure "48.75" and inserting in lieu thereof the figure "49.75".

On motion of Representative Tate, House Amendment No. 1 was adopted.

Representative Tate offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 7, Page 13, Section 7.700, Line 4, by deleting line 5 and inserting in lieu thereof the following:

"For planning grants, Personal Service and/or Expense and Equipment $100,000E

From Department of Insurance Dedicated Fund (Not to exceed 131.50 FTE) $5,901,115".

**HCS HB 7, as amended, with House Amendment No. 2, pending**, was laid over.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 797**, relating to school attendance, was taken up by Representative Kissell.

On motion of Representative Kissell, **HB 797** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Green Griesheimer Gross Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Bauer

PRESENT: 000

ABSENT WITH LEAVE: 011

Bray 84 Cooper Copeland Ford Goward
Gratz Hall Hand Kauffman Kelly 27
Thompson 37

VACANCY: 001

Representative Scheve declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bennett 15 Bland Bonner
Boucher Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gibbons
Graham 24 Graham 106 Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Pouche
Pryor Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Stokan Stoll
Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 010

Bartelsmeyer Bauer Berkstresser Boatright Gaston
Hohulin Patek Purgason Steen Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 011

Bray 84 Cooper Copeland Goward Gratz
Hall Hand Kauffman Lograsso McLuckie
Thompson 37

VACANCY: 001

On motion of Representative Bland, title to the bill was agreed to.

Representative Davis (63) moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HB 379**, relating to watercraft, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 379** was read the third time and passed by the following vote:

AYES: 127

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cooper
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Edwards-Pavia
Elliott Enz Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gibbons Graham 24 Graham 106
Green Griesheimer Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey
Holand Hollingsworth Hoppe Hosmer Johnson

Kasten Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Levin

Liese Linton Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McClelland Monaco

Murphy Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 026

Akin Boatright Cierpiot Clayton Crawford

Dolan Evans Gaston Gratz Gross

Hohulin Howerton Kelley 47 Legan Lograsso

Loudon Marble Miller Nordwald Patek

Purgason Ridgeway Scott Secrest Steen

Wooten

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 008

Bray 84 Copeland Goward Hall Hand

Kauffman McLuckie Thompson 37

VACANCY: 001

Representative Scheve declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 114

Alter Auer Backer Ballard Barnett 4

Barry 100 Bauer Bennett 15 Bland Bonner

Boucher Broach Burton Campbell Carter

Clayton Cooper Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Donovan
Dougherty Edwards-Pavia Elliott Farmer Farnen
Fitzwater Foley Ford Franklin Fritts
Gaskill Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gunn Hagan-Harrell Harlan
Hartzler 123 Heckemeyer Hollingsworth Hoppe Hosmer
Johnson Kasten Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Luetkenhaus Lumpe May 108
McBride McClelland McLuckie Monaco Murphy
Murray O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Ransdall Relford
Reynolds Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 039

Akin Bartelsmeyer Berkstresser Boatright Champion
Chrismer Cierpiot Crawford Dolan Enz
Evans Foster Froelker Gaston Gross
Hartzler 124 Hegeman Hickey Hohulin Holand
Howerton Kelley 47 Legan Linton Lograsso
Long Marble Miller Naeger Nordwald
Patek Purgason Reinhart Ridgeway Scott
Secrest Steen Townley Wooten

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 008

Bray 84 Copeland Goward Hall Hand
Kauffman Loudon Mays 50

VACANCY: 001

On motion of Representative Treadway, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HB 386**, relating to abatement of public nuisances, was taken up by Representative Carter.

On motion of Representative Carter, **HB 386** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Crawford Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 003

Boatright Hohulin Lograsso

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Copeland Crump Goward Hall
Hand Kauffman Thompson 37

VACANCY: 001

Representative Scheve declared the bill passed.

On motion of Representative Foley, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

**HB 612**, relating to St. Louis school retirement, was taken up by Representative Auer.

On motion of Representative Auer, **HB 612** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Bray 84 Copeland Goward Gratz Hall

Hand Hohulin Kauffman Linton Lograsso

Pryor Thompson 37

VACANCY: 001

Representative Scheve declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 7**, **as amended, with House Amendment No. 2**, **pending,** relating to appropriations, was again taken up by Representative Tate.

On motion of Representative Tate, House Amendment No. 2 was adopted.

On motion of Representative Tate, **HCS HB 7, as amended,** was adopted.

On motion of Representative Tate, **HCS HB 7, as amended,** was ordered perfected and printed.

**HCS HB 8**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 8, Page 14, Section 8.185, Line 8, by deleting the language "From Bingo Fund" and inserting in lieu thereof the language "From Gaming Commission Bingo Fund".

Speaker Gaw resumed the Chair.

On motion of Representative Franklin, House Amendment No. 1 was adopted.

Representative Franklin offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 8, Section 8.130, by deleting the figure" $13,203,104" and inserting in lieu thereof the figure "12,903,104"; and further amend said section, by deleting the line:

"Total (Not to exceed 267.00 F.T.E.) $16,087,723"

and inserting in lieu thereof the following:

"Total (Not to exceed 263.00 F.T.E.) $15,787,723".

On motion of Representative Franklin, House Amendment No. 2 was adopted by the following vote:

AYES: 079

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Campbell Carter Clayton

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dougherty Farmer Farnen Fitzwater

Ford Franklin Graham 24 Gratz Green

Gunn Hagan-Harrell Harlan Heckemeyer Hendrickson

Hickey Hollingsworth Hoppe Johnson Kelly 27

Kennedy Kissell Koller Lakin Lawson

Leake Liese Luetkenhaus May 108 Mays 50

McBride McLuckie Monaco Murphy Murray

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Rizzo Scheve Seigfreid

Shear Sheldon 104 Shelton 57 Skaggs Smith

Stokan Stoll Stroker Tate Thomason 163

Thompson 37 Treadway Troupe Van Zandt Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Cooper Crawford

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Foley Foster Fritts Froelker

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hartzler 123 Hartzler 124 Hegeman Hohulin

Holand Hosmer Howerton Kasten Kelley 47

Kreider Legan Levin Linton Lograsso

Long Loudon Lumpe Marble McClelland

Miller Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Sallee Schilling

Schwab Scott Secrest Shields Steen

Summers Surface Townley Vogel Wannenmacher

Wooten

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Copeland Daniel 42 Goward Hall

Hand Kauffman

VACANCY: 001

Representative Shields offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 8, Page 5, Section 8.079, Line 5, by deleting line 5 and inserting in lieu thereof the following "bus safety equipment to include, but not be limited to: safety arms, two-way radios,".

On motion of Representative Shields, House Amendment No. 3 was adopted.

On motion of Representative Franklin, **HCS HB 8, as amended,** was adopted.

On motion of Representative Franklin, **HCS HB 8, as amended,** was ordered perfected and printed.

**HCS HB 9**, relating to appropriations, was taken up by Representative Lakin.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Lakin, **HCS HB 9** was adopted.

On motion of Representative Lakin, **HCS HB 9** was ordered perfected and printed.

**HCS HB 10**, relating to appropriations, was taken up by Representative Carter.

Speaker Gaw resumed the Chair.

Representative Reynolds offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 10, Pages 30 and 31, Section 10.685, Lines 1-9, by striking out all of said lines and inserting in lieu thereof the following:

"Section 10.685. To the Department of Health

For the Division of Maternal, Child and Family Health

For the Purpose of funding family planning services, provided that all funds appropriated herein shall be expended only pursuant to a Missouri statute that is enacted and in effect which authorizes the Department of Health to establish and operate family planning services, which defines family planning services, and which outlines the qualifications for receiving such funds

From General Revenue Funds $4,354,639

From Federal Funds 1,464,819

For funding to local health departments and hospitals to provide pregnancy testing and follow-up services

From General Revenue Fund 664,000

Total (0 F.T.E.) $6,483,458";

and

Further amend said bill, Page 31, Section 10.690, Lines 1-5, by striking out all of said lines and inserting in lieu thereof the following:

"Section 10.690. To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding alternative to abortion services, provided that all funds appropriated herein shall be expended only pursuant to a Missouri statute that is enacted and in effect which authorizes the Department of Health to establish and operate alternative to abortion services, which defines alternative to abortion services, and which outlines the qualifications for receiving such funds

From General Revenue Fund $900,000".

Representative Carter raised a point of order on House Amendment No. 1 in that there is no statutory authority for such an amendment.

The Chair ruled the point of order not well taken.

**HCS HB 10, with House Amendment No. 1, pending,** was laid over.

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SB 11** - Local Government and Related Matters

**SCS SB 16** - Elections

**SB 18** - Motor Vehicle and Traffic Regulations

**SB 19** - Civil and Administrative Law

**SB 29** - Miscellaneous Bills and Resolutions

**SB 34** - Correctional and State Institutions

**SCS SBs 38 and 83** - Children, Youth and Families

**SCS SB 55** - Workers Compensation and Employment Security

**SCS SB 56** - Judiciary

**SB 58** - Local Government and Related Matters

**SB 63** - Motor Vehicle and Traffic Regulations

**SB 67** - Transportation

**SB 69** - Federal-State Relations and Veterans Affairs

**SB 70** - Tourism, Recreation and Cultural Affairs

**SB 72** - Environment and Energy

**SCS SB 89** - Correctional and State Institutions

**SCS SB 104** - Local Government and Related Matters

**SB 112** - Local Government and Related Matters

**SB 119** - Tourism, Recreation and Cultural Affairs

**SS SB 121** - Civil and Administrative Law

**SB 122** - Local Government and Related Matters

**SB 124** - Ways and Means

**SB 128** - Banks and Financial Institutions

**SB 131** - Transportation

**SB 132** - Elections

**SB 142** - Judiciary

**SB 146** - Education - Elementary and Secondary

**SB 148** - Banks and Financial Institutions

**SB 150** - Insurance

**SB 152** - Retirement

**SB 155** - Tourism, Recreation and Cultural Affairs

**SB 161** - Civil and Administrative Law

**SB 163** - Judiciary

**SB 164** - Civil and Administrative Law

**SB 169** - Judiciary

**SB 170** - Judiciary

**SB 175** - Local Government and Related Matters

**SB 179** - Agri-Business

**SCS SB 189** - Education - Elementary and Secondary

**SB 194** - Local Government and Related Matters

**SB 197** - Civil and Administrative Law

**SB 215** - Criminal Law

**SB 216** - Agriculture

**SCS SB 220** - Children, Youth and Families

**SB 240** - Budget

**SB 241** - Local Government and Related Matters

**SB 242** - Miscellaneous Bills and Resolutions

**SB 246** - Social Services, Medicaid and the Elderly

**SB 247** - Ways and Means

**SB 254** - Local Government and Related Matters

**SB 255** - Retirement

**SB 261** - Federal-State Relations and Veterans Affairs

**SB 262** - Professional Registration and Licensing

**SCS SB 270** - Workers Compensation and Employment Security

**SB 272** - Local Government and Related Matters

**SB 299** - Budget

**SB 309** - Retirement

**SB 310** - Education - Elementary and Secondary

**SB 318** - Correctional and State Institutions

**SB 320** - Professional Registration and Licensing

**SB 334** - Motor Vehicle and Traffic Regulations

**SB 340** - Budget

**SB 342** - Environment and Energy

**SB 346** - Education - Higher

**SB 347** - Criminal Law

**SB 375** - Banks and Financial Institutions

**SB 387** - Civil and Administrative Law

**SCS SB 430** - Correctional and State Institutions

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 542**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 27, HB 219, HB 412** and **HB 321**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 37**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 154, HB 514,** and **HB 545**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 486, HB 44, HB 269** and **HB 489**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 697**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 777**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 336**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 582**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 813**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 816**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 832**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 844**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 190**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 444**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 530**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **HB 434, HB 624** and **HB 676**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 25**, introduced by Representative Graham (24), relating to compensation of state elected officials.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 873**, introduced by Representative Murphy, relating to the licensing of architects.

**HB 874**, introduced by Representative Tate, relating to linked deposit loans.

**HB 875**, introduced by Representative Richardson, relating to the board of public buildings.

**HB 876**, introduced by Representative Hagan-Harrell, relating to the school calendar.

**HB 877**, introduced by Representatives Reynolds and O'Connor, et al, relating to services before and during pregnancy.

**HB 878**, introduced by Representative Gunn, et al, relating to governmental reorganization.

**HB 879**, introduced by Representative Stroker, relating to the public school retirement system of Missouri.

**HB 880**, introduced by Representative Reynolds, relating to state aid for school districts.

**HB 881**, introduced by Representative Akin, relating to the reduction of certain property tax levies.

**HB 882**, introduced by Representatives Linton and Akin, et al, relating to establishing a funding for literacy program.

**HB 883**, introduced by Representative Clayton, relating to registration of certain offenders.

**HB 884**, introduced by Representative Harlan, relating to dissolution of marriage.

**HB 885**, introduced by Representatives Ridgeway and Reinhart, et al, relating to lobbying disclosure.

**HB 886**, introduced by Representatives Holand and Wooten, relating to school boards.

**HB 887**, introduced by Representatives Lograsso and Monaco, et al, relating to cooperative agreements by certain political subdivisions.

**HB 888**, introduced by Representatives Gibbons, Kelley (47), Evans and Kasten, et al, relating to establishing and implementing a temporary assistance for needy families program.

**HB 889**, introduced by Representative Crump, relating to alternatives to incarceration.

**HB 890**, introduced by Representative Tate, relating to local parks trust fund.

**HB 891**, introduced by Representative Murphy, relating to the general assembly.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 353**, entitled:

An act to amend chapter 67, RSMo, by adding three new sections relating to tourism for a certain city, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 371**, entitled:

An act relating to certain road districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 373**, entitled:

An act to repeal section 197.415, RSMo 1994, relating to licensing of home health agencies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 410**, entitled:

An act to repeal section 407.950, RSMo Supp. 1996, relating to the wheelchair lemon law, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 416**, entitled:

An act relating to the conveyance of certain real property of the Missouri department of corrections located in St. Louis County.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, March 26, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-first Day, Monday, March 24, 1997, pages 690 and 691, roll call, by showing Representative O'Connor voting "aye" rather than "absent with leave".

Pages 692 and 693, roll call, by showing Representative Crawford, Murphy and Stokan voting "aye" rather than "absent with leave".

Page 694, roll call, by showing Representative Stokan voting "aye" rather than "absent with leave".

Page 695, roll call, by showing Representative Gunn voting "aye" rather than "absent with leave".

Pages 698 and 699, roll call, by showing Representative O'Connor voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, March 26, 1997, 8:00 pm. Hearing Room 9.

To be considered - HB 13

BUDGET

Wednesday, March 26, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 17, HB 18, HB 19

BUDGET

Wednesday, March 26, 1997. Hearing Room 9 upon morning adjournment.

Possible executive session.

To be considered - HB 17, HB 18, HB 19

BUDGET

Thursday, March 27, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 17, HB 18, HB 19

CHILDREN, YOUTH, AND FAMILIES

Wednesday, March 26, 1997. Hearing Room 5 upon noon adjournment.

Executive session.

CHILDREN, YOUTH, AND FAMILIES

Thursday, March 27, 1997, 8:00 am. Hearing Room 8. Executive session.

CIVIL AND ADMINISTRATIVE LAW

Thursday, March 27, 1997, 9:00 am. Hearing room 2.

To be considered - Executive Session - HB 850

CRIMINAL LAW

Wednesday, March 26, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 485, HB 118, HB 511, HB 164, HB 670

EDUCATION - HIGHER

Wednesday, March 26, 1997. Hearing Room 8 upon morning adjournment.

AMENDED NOTICE

To be considered - HB 786, Executive Session - HB 704

GOVERNMENTAL ORGANIZATION AND REVIEW

Wednesday, March 26, 1997, 8:00 am. Hearing Room 8. Executive session will follow.

To be considered - HB 764, HB 685

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, March 26, 1997, 9:00 am. Senate Committee Room 1.

Contested fiscal notes. AMENDED NOTICE

To be considered - SB 367, HB 815, HB 821

JUDICIARY

Thursday, March 27, 1997, 9:15 am. Hearing Room 5.

To be considered - Executive Session - HB 694, Executive Session - HB 547

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, March 26, 1997, 9:30 am. Hearing Room 7. AMENDED NOTICE

Executive session.

To be considered - HR 232, HCR 25, HCR 27

MUNICIPAL CORPORATIONS

Wednesday, March 26, 1997. Hearing Room 7 upon morning adjournment.

Executive session.

To be considered - HB 755, HB 794, HB 592, HB 515

RETIREMENT

Wednesday, March 26, 1997, 8:00 pm. Hearing Room 2.

To be considered - HB 809, HB 817, HB 827, HB 565, Executive Session - HB 674,

Executive Session - HB 817, Executive Session - HB 827

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Wednesday, March 26, 1997. Side gallery upon morning adjournment.

Executive session.

**HOUSE CALENDAR**

FORTY-THIRD DAY, WEDNESDAY, MARCH 26, 1997

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 25

**HOUSE BILLS FOR SECOND READING**

HB 873 through HB 891

**HOUSE JOINT RESOLUTION FOR PERFECTION - INFORMAL**

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 10, with HA 1, pending - Carter

HCS HB 11 - Lakin

HCS HB 12 - Green/Franklin

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 335, with HS, as amended, pending - Harlan

2 HB 339, HCA 1 - Kreider

3 HCS HB 600 & 388 - Carter

4 HB 193 - Auer

5 HCS HB 528 - Wiggins

6 HCS HB 100 - Williams (121)

7 HCS HB 493 & 39 - Farnen

8 HCS HB 426, 576 & 567 - Luetkenhaus

9 HCS HB 472 - Luetkenhaus

10 HCS HB 738 - Hosmer

11 HB 338 - Gunn

12 HCS HB 369 - Clayton

13 HB 660 - Lumpe

14 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

15 HB 304, HCA 1 - Ransdall

16 HCS HB 276 - Davis (122)

17 HB 766, HCA 1 - Harlan

18 HCS HB 69 & 179 - Hosmer

19 HB 301, HCAs 1 & 2 - Lumpe

20 HB 389, HCA 1 - Luetkenhaus

21 HCS HB 396 - Hosmer

22 HCS HB 146 - Scheve

23 HCS HB 214 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 19, 1997)

1 HB 713 - Davis (63)

2 HB 663 - Stokan

3 HB 773 - McBride

4 HB 769 - Relford

5 HB 783 - Stoll

6 HB 643 - Barry

7 HB 762 - Davis (63)

8 HB 654 - Bray

(March 24, 1997)

9 HB 540 - Bray

10 HB 526 - Koller

11 HB 590 - O'Toole

12 HB 659 - Clayton

13 HB 710 - Foley

14 HB 712 - Tate

15 HB 722 - Johnson

16 HB 734 - Bauer

17 HB 749 - Stroker

18 HB 756 - Luetkenhaus

19 HB 771 - Barnett

20 HB 523 - Skaggs

21 HB 340 - Pouche

22 HB 159 - Champion

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

HCS HB 212, (Budget Fiscal, 3-18-97) - Treadway

**HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HCS HB 411, E.C., (Budget Fiscal 3-20-97) - Dougherty

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 604 - Fritts

2 HB 791 - Stoll

3 HB 521 - Fitzwater

4 HB 543 - Franklin

5 HB 482 - Franklin

6 HB 169 - Skaggs

7 HB 628 - Froelker

8 HB 689 - Foley

9 HB 41 - Hosmer

10 HB 343 - Kelly (27)

11 HB 622 - Lakin

12 HB 126 - Dougherty

13 HB 249 - Kreider

14 HB 655 - May (108)

15 HB 125 - Heckemeyer

16 HB 652 - Backer

17 HB 609 - Summers

18 HB 793 - Auer

19 HB 761 - Hartzler (123)

20 HB 709, E.C. - Foley

21 HB 31 - Backer

22 HB 700 - Legan

23 HB 63 - Griesheimer

24 HB 124 - Dougherty

25 HB 692 - Luetkenhaus

26 HB 318 - Clayton

27 HB 711 - Hartzler (124)

28 HB 394 - Loudon

29 HB 727 - McBride

**SENATE BILLS FOR SECOND READING**

SB 353

SB 371

SCS SB 373

SB 410

SB 416

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-THIRD DAY, Wednesday, March 26, 1997

Representative Scheve in the Chair.

Prayer by Reverend Cheryl L. Tatham.

At the mid-point of this week called "Holy" by Christianity, at the mid-point of this second week of spring, at the mid-point of a week of hard work on health care reform and budget considerations, we are in need, O God, of your refreshing spirit in our lives. As the weather becomes warmer, we are reminded of the warmth of your grace. As the trees and flowers burst forth with color, we are reminded that you want for us abundance and goodness. Help those here in this place to seek your counsel when in doubt; to seek your comfort when discouraged; and to seek your peace when fatigue and weariness take their toll.

In all of life help us to remember you, Creator God, who has given us the breath of life for our life, for our very being. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Benjamin Hart, Caroline Hart, Colin Hart, Hannah Hart, Joshua Hart, Ashley Neely, Brent McCauley, Chris Gilmore, Betsy Burgess, Kensey Neely, Kelly Uhlig, Danny Uhlig, Geri Bradshaw, Brent Essner, Neal Essner, Adam Schlosser, Shurene McDowell, Michelle Tucker, Miki Hathaway, Sam Suter, Brittany Kempker, Sam Bexten, Abby Brunnert, Nicholas Luebbert, A. J. Webb, Justin Jeffers, Shannon McBee, Megan Laffoon, Katrina Acton, Jeffery Rodgers, Trent Hackward, Patrick Garrett, James Bullard and Sarah Besserman.

The Journal of the forty-second day was approved as corrected.

**RESOLUTIONS**

Representative Elliott offered House Resolution Nos. 451 and 452, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Surface offered House Resolution No. 453, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stokan offered House Resolution No. 454, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 455, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 643, HB 654, HB 663, HB 713, HB 762, HB 769, HB 773,** and **HB 783**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 411 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 25** was read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 873** through **HB 891** were read the second time.

**SECOND READING OF SENATE BILLS**

**SB 353, SB 371, SCS SB 373, SB 410** and **SB 416** were read the second time.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Thompson 37

NOES: 000

PRESENT: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

ABSENT WITH LEAVE: 005

Bray 84 Copeland Hand Hartzler 123 Kauffman

VACANCY: 001

**PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 10**, **with House Amendment No. 1, pending**, relating to appropriations, was again taken up by Representative Carter.

Speaker Gaw assumed the Chair.

Representative Backer offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 10, Page 30, Section 10.685, Line 1, by deleting section 10.685 and inserting in lieu thereof the following:

"Section 10.685. To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of providing funding of family planning services.

The Division shall open and directly run as a state office, 60 clinics state-wide

to provide family planning services to the citizens of Missouri.

Personal Service $1E

Expense and Equipment $1E

(Total amounts for Personal Service and Expense and Equipment may not exceed $15,000,000)

From General Revenue Funds $15,000,000

Personal Service $1E

Expense and Equipment $1E

From Federal Funds $1E

Total (Not to exceed a combined total of FTE from both General Revenue

and Federal Funds of 300 F.T.E.) $15,000,001"

and further amend said bill, Page 31, section 10.690 by deleting all of said section.

**HCS HB 10, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 1, pending**, was laid over.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Margaret Blackburn, Stephanie Porto, Tristan Ketterling, Josh Mikel, Ryan Sedgwick, Matt Herzberg, Johnny Wacco, John Constance and Keith Constance.

**RESOLUTIONS**

Representative Fritts offered House Resolution No. 456, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Sheldon (104) offered House Resolution No. 457, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Naeger offered House Resolution No. 458, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Edwards-Pavia offered House Resolution No. 459, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution Nos. 460 and 461, which were referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Kelley (47) offered House Resolution Nos. 462 through 466, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foley suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 153

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 009

Backer Bray 84 Copeland Daniel 42 Hand

Hartzler 123 Kauffman Loudon Thompson 37

VACANCY: 001

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1, HCS HB 2, HCS HB 3, HCS HB 4, HCS HB 5, HCS HB 6, HCS HB 7, HCS HB 8,** and **HCS HB 9**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 604**, relating to school energy conservation projects, was taken up by Representative Fritts.

On motion of Representative Fritts, **HB 604** was read the third time and passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Copeland Hand Hartzler 123 Hollingsworth
Kauffman Loudon Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**HB 791**, relating to publication of legal notices, was taken up by Representative Stoll.

On motion of Representative Stoll, **HB 791** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Copeland Hand Hartzler 123 Kauffman
Thompson 37 Williams 121

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Crump, title to the bill was agreed to.

Representative Daniel (42) moved that the vote by which the bill passed be reconsidered.

Representative Daniels (41) moved that motion lay on the table.

The latter motion prevailed.

**HB 521**, relating to school district elections, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater**, HB 521** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 124 Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Purgason

PRESENT: 000

ABSENT WITH LEAVE: 006

Bray 84 Copeland Hand Hartzler 123 Heckemeyer
Kauffman

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**HB 543**, relating to state retirement system, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 543** was read the third time and passed by the following vote:

AYES: 128

Akin Alter Auer Backer Ballard
Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland
Bonner Boucher Broach Burton Campbell
Carter Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Gaskill Goward
Graham 24 Graham 106 Green Griesheimer Gunn
Hagan-Harrell Hall Harlan Hartzler 124 Heckemeyer
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Lograsso Long Luetkenhaus Lumpe May 108

Mays 50 McBride McClelland McLuckie Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Ransdall Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Skaggs Smith Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 025

Boatright Champion Chrismer Cierpiot Edwards-Pavia

Enz Evans Froelker Gaston Gibbons

Gratz Gross Hegeman Hendrickson Hohulin

Linton Loudon Marble Miller Murphy

Patek Purgason Reinhart Ridgeway Shields

PRESENT: 001

Barnett 4

ABSENT WITH LEAVE: 008

Bauer Bray 84 Copeland Hand Hartzler 123

Kauffman Steen Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**HB 482**, relating to teacher and nonteacher retirement system, was taken up by Representative Franklin.

On motion of Representative Franklin, **HB 482** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 002

Davis 122 Relford

ABSENT WITH LEAVE: 008

Bray 84 Cierpiot Copeland Hand Hartzler 123
Kauffman Monaco Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Koller moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

**HB 169**, relating to public school retirement systems, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **HB 169** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Bray 84 Copeland Hand Hartzler 123 Kauffman
Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative May (108), title to the bill was agreed to.

Representative Mays (50) moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**HB 628**, relating to school district boundary change petition, was taken up by Representative Froelker.

On motion of Representative Froelker, **HB 628** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Bray 84 Copeland Hand Hartzler 123 Kauffman
Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**HB 689**, relating to land clearance for redevelopment, was taken up by Representative Foley.

On motion of Representative Foley, **HB 689** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Copeland Hand Hartzler 123 Kauffman
Legan Lumpe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**HB 41**, relating to political party committee, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 41** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Broach Burton
Campbell Carter Chrismer Cierpiot Cooper
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Smith Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 003

Clayton Hohulin Steen

PRESENT: 000

ABSENT WITH LEAVE: 013

Backer Bland Bray 84 Champion Copeland

Daniel 42 Green Hand Hartzler 123 Kauffman

Patek Skaggs Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Murray, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HB 343**, relating to adoption, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **HB 343** was read the third time and passed by the following vote:

AYES: 105

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Burton Campbell Carter
Clayton Cooper Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dougherty
Farmer Farnen Fitzwater Foley Ford
Franklin Fritts Goward Graham 24 Graham 106
Gratz Green Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Holand Hollingsworth Hoppe Hosmer Johnson
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Loudon Luetkenhaus Lumpe May 108
Mays 50 McBride McClelland Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Purgason
Ransdall Relford Reynolds Rizzo Ross
Sallee Scheve Schilling Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Smith
Steen Stokan Stoll Stroker Tate
Thomason 163 Thompson 37 Treadway Van Zandt Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 049

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Champion
Chrismer Cierpiot Crawford Dolan Donovan
Edwards-Pavia Elliott Enz Evans Foster
Froelker Gaskill Gaston Gibbons Griesheimer
Gross Hall Hohulin Howerton Kasten
Levin Linton Lograsso Long Marble
Miller Murphy Pryor Reinhart Richardson
Ridgeway Robirds Schwab Scott Summers
Surface Townley Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Copeland Hand Hickey Kauffman

McLuckie Skaggs Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

Representative Auer assumed the Chair.

**HB 622**, relating to life insurance, was taken up by Representative Lakin.

On motion of Representative Lakin, **HB 622** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Graham 24
Graham 106 Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Smith Steen Stokan
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84 Copeland Ford Gibbons Goward
Gratz Hand Hickey Holand Kauffman
McLuckie O'Toole Skaggs Stoll Troupe

VACANCY: 001

Representative Auer declared the bill passed.

On motion of Representative Thomason (163), title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**HB 126**, relating to adoption records, was taken up by Representative Dougherty.

Representative Dougherty moved that **HB 126** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 073

Alter Barry 100 Bauer Bland Bonner
Boucher Campbell Clayton Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Donovan
Dougherty Farmer Farnen Fitzwater Foley
Franklin Graham 24 Green Gunn Hagan-Harrell
Heckemeyer Hickey Hollingsworth Hosmer Johnson

Kasten Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Luetkenhaus
Lumpe May 108 Mays 50 McBride Monaco
Murray O'Connor O'Toole Overschmidt Parker
Ransdall Relford Reynolds Rizzo Scheve
Schilling Shelton 57 Skaggs Smith Steen
Stokan Stoll Stroker Tate Thomason 163
Thompson 37 Treadway Van Zandt Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 078

Akin Backer Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Carter Chrismer Cierpiot Cooper Crawford
Crump Dolan Edwards-Pavia Elliott Enz
Evans Foster Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 106 Gratz
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Holand Hoppe
Howerton Kelley 47 Legan Levin Liese
Linton Lograsso Long Loudon Marble
McClelland Miller Murphy Naeger Nordwald
Ostmann Patek Pouche Pryor Purgason
Reinhart Richardson Ridgeway Robirds Ross
Sallee Schwab Scott Secrest Seigfreid
Sheldon 104 Shields Summers Surface Townley
Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Bray 84 Champion Copeland Ford
Hand Harlan Kauffman McLuckie Shear
Troupe

VACANCY: 001

**HB 249**, relating to emergency services, was taken up by Representative Kreider.

On motion of Representative Kreider, **HB 249** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Chrismer Cierpiot Clayton
Cooper Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 001

Bennett 15

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bray 84 Champion Copeland Hand
Kauffman McLuckie Shear Troupe

VACANCY: 001

Representative Auer declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Williams (121) moved that the vote by which the bill passed be reconsidered.

Representative Williams (159) moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HB 655**, relating to limited liability companies, was taken up by Representative May (108).

On motion of Representative May (108), **HB 655** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Champion Copeland Hand Hohulin
Kauffman McLuckie Shear Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**HB 125**, relating to merit system police departments, was taken up by Representative Heckemeyer.

On motion of Representative Heckemeyer, **HB 125** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Loudon

PRESENT: 000

ABSENT WITH LEAVE: 012

Bray 84 Champion Copeland Crump Daniel 42

Ford Hand Hohulin Kauffman McLuckie

Shear Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

**HB 652**, relating to state employees' compensation, was taken up by Representative Backer.

On motion of Representative Backer, **HB 652** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniels 41 Davis 63 Davis 122 DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84 Champion Copeland Daniel 42 Days
Ford Hand Hollingsworth Kauffman Legan
McLuckie Ridgeway Shear Thompson 37 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**HB 609**, relating to special road districts, was taken up by Representative Summers.

On motion of Representative Summers, **HB 609** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 012

Bray 84 Champion Copeland Daniel 42 Ford

Hand Kauffman Liese McLuckie Shear

Thompson 37 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**HB 793**, relating to insurance companies, was taken up by Representative Auer.

On motion of Representative Auer, **HB 793** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Carter Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 013

Barnett 4 Bland Bray 84 Champion Copeland

Daniel 42 Ford Hand Kauffman McLuckie

Shear Stoll Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**HB 761**, relating to election commissioners, was taken up by Representative Hartzler (123).

On motion of Representative Hartzler (123), **HB 761** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Bland Boatright Bonner Boucher Broach
Burton Campbell Chrismer Cierpiot Clayton
Cooper Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Berkstresser Bray 84 Carter Champion Copeland

Ford Franklin Green Hand Hoppe

Kauffman McLuckie Shear Stoll Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fritts, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**HB 709**, relating to sewage treatment, was taken up by Representative Foley.

On motion of Representative Foley, **HB 709** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Chrismer Cierpiot Clayton

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 015

Bennett 15 Bray 84 Carter Champion Cooper
Copeland Elliott Ford Hand Kauffman
Lograsso McLuckie Shear Stoll Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 122

Akin Alter Auer Backer Ballard

Barry 100 Bauer Bland Bonner Boucher

Broach Burton Campbell Chrismer Clayton

Cooper Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Farmer Farnen Foley

Foster Fritts Gaskill Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Heckemeyer Hendrickson Hickey Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe May 108 Mays 50 McBride

McClelland Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Stokan Stroker Surface Tate

Thomason 163 Thompson 37 Townley Treadway Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 023

Barnett 4 Bartelsmeyer Bennett 15 Berkstresser Boatright

Cierpiot Crawford Edwards-Pavia Evans Froelker

Gaston Hartzler 124 Hegeman Hohulin Holand

Marble Patek Pouche Purgason Ridgeway

Schwab Steen Summers

PRESENT: 000

ABSENT WITH LEAVE: 017

Bray 84 Carter Champion Copeland Crump

Fitzwater Ford Franklin Hand Kauffman

Lograsso McLuckie Pryor Shear Stoll

Troupe Van Zandt

VACANCY: 001

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**HB 31**, relating to planning and zoning, was taken up by Representative Backer.

On motion of Representative Backer, **HB 31** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shelton 57 Shields Skaggs Smith Steen

Stokan Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 013

Bray 84 Champion Copeland Donovan Foster

Hand Kauffman Linton McLuckie Shear

Sheldon 104 Stoll Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

**HB 700**, relating to official state emblems, was taken up by Representative Legan.

On motion of Representative Legan, **HB 700** was read the third time and passed by the following vote:

AYES: 133

Akin Alter Backer Ballard Barnett 4

Bartelsmeyer Bauer Berkstresser Bland Boatright

Bonner Boucher Broach Burton Campbell

Carter Chrismer Cierpiot Cooper Crawford

Crump Daniels 41 Davis 63 Davis 122 DeMarce

Dolan Donovan Dougherty Elliott Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Rizzo Ross
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Vogel Wannenmacher Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 020

Auer Barry 100 Bennett 15 Clayton Daniel 42
Days Edwards-Pavia Enz Evans Gibbons
Gross Hartzler 124 Hohulin Linton Murphy
Ridgeway Robirds Sallee Scheve Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Champion Copeland Hand Kauffman
McLuckie Shear Troupe Wiggins

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Stokan, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HB 63**, relating to liquor control, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, **HB 63** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 159 Wilson
Wooten Mr. Speaker

NOES: 001

Edwards-Pavia

PRESENT: 000

ABSENT WITH LEAVE: 014

Bray 84 Champion Copeland Ford Gaskill
Hand Kauffman Loudon McLuckie Ostmann
Sallee Shear Troupe Williams 121

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HB 124**, relating to special license plates, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **HB 124** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Clayton Cooper Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Linton Lograsso Long
Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 004

Cierpiot Hohulin Ridgeway Secrest

PRESENT: 000

ABSENT WITH LEAVE: 012

Bray 84 Champion Copeland Ford Gaskill
Hand Kauffman Legan Loudon McLuckie
Shear Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**HB 692**, relating to highway corridors, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus moved that **HB 692** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 045

Auer Barry 100 Bauer Bland Boucher

Clayton Davis 63 Davis 122 Days Dougherty
Farmer Fitzwater Foley Franklin Gratz
Green Gunn Heckemeyer Hickey Hollingsworth
Hosmer Johnson Kissell Koller Leake
Liese Luetkenhaus Lumpe May 108 McBride
Murray O'Connor O'Toole Parker Reynolds
Scheve Schilling Sheldon 104 Shelton 57 Stokan
Stoll Thomason 163 Treadway Wiggins Wilson

NOES: 102

Akin Alter Backer Ballard Barnett 4
Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner
Broach Burton Campbell Carter Chrismer
Cierpiot Cooper Crawford Crump Daniels 41
DeMarce Dolan Edwards-Pavia Elliott Enz
Evans Farnen Foster Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Griesheimer Gross Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Hegeman Hendrickson
Hohulin Holand Howerton Kasten Kelley 47
Kelly 27 Kennedy Lakin Lawson Legan
Levin Linton Lograsso Loudon Marble
Mays 50 McClelland Miller Monaco Naeger
Nordwald Ostmann Overschmidt Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Schwab Scott Secrest Seigfreid
Shields Skaggs Smith Steen Stroker
Summers Surface Tate Thompson 37 Townley
Van Zandt Vogel Wannenmacher Williams 121 Williams 159
Wooten Mr. Speaker

PRESENT: 001

Donovan

ABSENT WITH LEAVE: 014

Bray 84 Champion Copeland Daniel 42 Ford
Hand Hoppe Kauffman Kreider Long
McLuckie Murphy Shear Troupe

VACANCY: 001

Representative Auer resumed the Chair.

**HB 318**, relating to volunteer fire protection associations, was taken up by Representative Clayton.

On motion of Representative Clayton, **HB 318** was read the third time and passed by the following vote:

AYES: 143

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Campbell Carter Cierpiot Clayton Cooper
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Loudon Lumpe Marble
May 108 Mays 50 McBride McClelland Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Auer Bray 84 Burton Champion Chrismer
Copeland Daniel 42 Ford Hand Hohulin
Hoppe Kauffman Long Luetkenhaus McLuckie
Murphy Shear Troupe Wilson

VACANCY: 001

Representative Auer declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**HB 711**, relating to municipal officials, was taken up by Representative Hartzler (124).

On motion of Representative Hartzler (124), **HB 711** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Cierpiot
Cooper Crawford Crump Daniels 41 Davis 63
Davis 122 DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Bray 84 Champion Chrismer Clayton Copeland

Daniel 42 Days Ford Hand Kauffman

Long McLuckie Shear Troupe

VACANCY: 001

Representative Auer declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Stoll moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**HB 394**, relating to vehicle license plates, was taken up by Representative Loudon.

On motion of Representative Loudon, **HB 394** was read the third time and passed by the following vote:

AYES: 137

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Cierpiot

Clayton Cooper Crawford Crump Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Loudon

Luetkenhaus Lumpe Marble May 108 McBride

McClelland Miller Monaco Murray Naeger

Nordwald O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 011

Fitzwater Green Harlan Heckemeyer Hickey

Johnson Kelly 27 Mays 50 Ridgeway Scheve

Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 014

Bray 84 Champion Chrismer Copeland Daniel 42

Ford Hand Kauffman Long McLuckie

Murphy O'Connor Shear Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**HB 727**, relating to workers' compensation, was taken up by Representative McBride.

On motion of Representative McBride, **HB 727** was read the third time and passed by the following vote:

AYES: 142

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Cierpiot Clayton
Cooper Crawford Crump Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kennedy Kissell Lakin Lawson Leake
Levin Liese Linton Lograsso Loudon
Luetkenhaus Lumpe Marble Mays 50 McBride
McClelland Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 002

Hickey May 108

PRESENT: 000

ABSENT WITH LEAVE: 018

Akin Bray 84 Champion Chrismer Copeland

Daniel 42 Ford Froelker Hand Kauffman

Kelly 27 Koller Kreider Legan Long

McLuckie Shear Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Daniels (41), title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE JOINT RESOLUTION - INFORMAL**

**HJR 18**, relating to State Treasurer, was taken up and placed back on the Informal Calendar.

**PERFECTION OF HOUSE BILLS - INFORMAL**

**HB 570, as amended**, relating to school bus safety, was taken up and placed back on the Informal Calendar.

**HCS HBs 155, 81 and 171**, relating to state income tax, was taken up and placed back on the Informal Calendar.

**HCS HB 495**, relating to lobbying, campaign, and ethics reform, was taken up and placed back on the Informal Calendar.

**REFERRAL OF HOUSE BILL**

The following Senate Bill was referred to the Committee indicated:

**SB 333** - Utilities Regulation

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465** and **466**, begs leave to report it has examined the same and recommends that they **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 232**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE RESOLUTION NO. 232

**Whereas**, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

**Whereas**, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

**Whereas**, the General Assembly has maintained a policy of granting such organizations permission to use the House Chamber for beneficial purposes; and

**Whereas**, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the House Chambers at our State Capitol, where the students in attendance will be addressed by a representative of each of the three branches of government:

**Now, therefore, be it resolved**, that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the House Chamber for the purpose of conducting its Student Government Day on March 31, 1997, from 10:00 a.m. until 11:30 a.m.

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 811**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 811, Page 2, Section 3, Lines 17 to 20, by deleting all of said lines and inserting in lieu thereof the following:

"**(5) Establish eligibility criteria for the children participating in the healthy Missouri children corporation program, including, but not limited to:**

**(a) Any child eighteen years of age or under shall be eligible to participate in the program; and**

**(b) Any child who is Medicaid eligible or receiving Medicaid benefits shall not be eligible to participate in the program;**"; and

Further amend said bill, Page 4, Section 4, Line 17, by deleting the word "such" and inserting in lieu thereof the

phrase "**a state employee**".

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 821**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Consumer Protection**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 68**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 82**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 802**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 820**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **HB 823**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 245**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 245, Page 2, Section 3, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"**Section 3. 1. Sections 1 to 3 of this act are not intended and shall not be**".

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 382**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 373**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 704**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 704, Page 1, Section 174.800.1, Lines 3 and 4, by deleting all of lines 3 and 4 after the words "The academy shall be" and changing to the following:

(beginning on line 3) The academy shall be established at a Missouri college or university selected by the

Coordinating Board for Higher Education, and shall be administered by the selected school's governing board. The academy shall be for the following purposes:

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 696**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Elections, to which was referred **HB 779**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Governmental Organization and Review**, Chairman Goward reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 345**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 470**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Municipal Corporations**, Chairman Shelton (57) reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **HB 592**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Ways and Means**, Chairman Farmer reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HJR 13** and **HJR 6**, begs leave to report it has examined the same and recommends that the **House Committee Substitutes Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 178**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 348**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 578**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 402**, entitled:

An act to repeal section 197.400, RSMo 1994, and section 197.445, RSMo Supp. 1996, relating to the regulation of home health agencies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, March 27, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-second Day, Tuesday, March 25, 1997, page 715, roll call, by showing Representative Secrest voting "aye" rather than "absent with leave".

Page 716, roll call, by showing Representatives Gratz and Secrest voting "aye" rather than "absent with leave".

Pages 719 and 720, roll call, by showing Representatives Gratz and Kelly (27) voting "aye" rather than "absent with leave".

Page 720, roll call, by showing Representative Gratz voting "aye" rather than "absent with leave".

Page 724, roll call, by showing Representative Gratz voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Wednesday, April 2, 1997, 9:30 am. Hearing Room 5. Executive session.

To be considered - SB 179

BUDGET

Thursday, March 27, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 17, HB 18, HB 19

BUDGET

Thursday, March 27, 1997. Hearing Room 9 upon morning adjournment.

Possible executive session.

To be considered - HB 17, HB 18, HB 19

CHILDREN, YOUTH, AND FAMILIES

Thursday, March 27, 1997, 8:00 am. Hearing Room 8. Executive session.

CIVIL AND ADMINISTRATIVE LAW

Thursday, March 27, 1997, 9:00 am. Hearing room 2.

To be considered - Executive Session - HB 850

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 2, 1997. Hearing Room 1 upon morning adjournment.

To be considered - SB 121, SB 164, SB 19, SB 161, SB 387, SB 197

CONSUMER PROTECTION

Thursday, March 27, 1997, 9:00 am. Side gallery executive session.

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 1, 1997, 12:30 pm. Hearing Room 8.

To be considered - HB 579, HB 292, Executive Session - HB 405, Executive

Session - HB 785, Executive Session - HB 787, Executive Session - HB 108

ETHICS

Thursday, March 27, 1997. Side gallery upon morning adjournment.

JUDICIARY

Thursday, March 27, 1997, 9:15 am. Hearing Room 5.

To be considered - Executive Session - HB 694, Executive Session - HB 547

LOCAL GOVERNMENT AND RELATED MATTERS

Thursday, March 27, 1997. Side gallery upon adjournment. Executive session.

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 1, 1997, 7:00 pm. Hearing Room 5.

To be considered - SB 246, HB 878, HB 795, HB 747, HB 701

TRANSPORTATION

Wednesday, April 2, 1997, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 67, SB 131

**HOUSE CALENDAR**

FORTY-FOURTH DAY, THURSDAY, MARCH 27, 1997

**HOUSE JOINT RESOLUTION FOR PERFECTION - INFORMAL**

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HCS HB 10, with HSA 1 for HA 1, HA 1, pending - Carter

HCS HB 11 - Lakin

HCS HB 12 - Green/Franklin

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 335, with HS, as amended, pending - Harlan

2 HB 339, HCA 1 - Kreider

3 HCS HB 600 & 388 - Carter

4 HB 193 - Auer

5 HCS HB 528 - Wiggins

6 HCS HB 100 - Williams (121)

7 HCS HB 493 & 39 - Farnen

8 HCS HB 426, 576 & 567 - Luetkenhaus

9 HCS HB 472 - Luetkenhaus

10 HCS HB 738 - Hosmer

11 HB 338 - Gunn

12 HCS HB 369 - Clayton

13 HB 660 - Lumpe

14 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

15 HB 304, HCA 1 - Ransdall

16 HCS HB 276 - Davis (122)

17 HB 766, HCA 1 - Harlan

18 HCS HB 69 & 179 - Hosmer

19 HB 301, HCAs 1 & 2 - Lumpe

20 HB 389, HCA 1 - Luetkenhaus

21 HCS HB 396 - Hosmer

22 HCS HB 146 - Scheve

23 HCS HB 214 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 24, 1997)

1 HB 540 - Bray

2 HB 526 - Koller

3 HB 590 - O'Toole

4 HB 659 - Clayton

5 HB 710 - Foley

6 HB 712 - Tate

7 HB 722 - Johnson

8 HB 734 - Bauer

9 HB 749 - Stroker

10 HB 756 - Luetkenhaus

11 HB 771 - Barnett

12 HB 523 - Skaggs

13 HB 340 - Pouche

14 HB 159 - Champion

(March 27, 1997)

15 HB 82 - Champion

16 HB 820 - Sheldon (104)

17 HB 802 - Gratz

18 HB 823 - Lumpe

19 HB 642 - Smith

20 HB 470 - Smith

21 HB 844 - Richardson

22 HB 832 - Hoppe

23 HB 813 - Bartelsmeyer

24 HB 816 - Williams (159)

25 HB 592 - O'Toole

26 HB 348 - Farmer

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HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

**COURTESY RESOLUTIONS**

1 HR 413 - Howerton

2 HR 414 - Hand

3 HR 415 - Hartzler (124)

4 HR 416 - Murphy

5 HR 417 - Fitzwater

6 HR 418 - Murphy

7 HR 419, and 420 - Patek

8 HR 421 - Graham (24)

9 HR 422 - Backer

10 HR 423 - Gaw

11 HR 424 - Gaston

12 HR 425, and 426 - Heckemeyer

13 HR 427, and 428 - Backer

14 HR 429 - Robirds

15 HR 430, and 431 - Pryor

16 HR 432, and 433 - Richardson

17 HR 434 - Ross

18 HR 435 - Liese

19 HR 436, through 444 - Williams (121)

20 HR 445 - Farnen

21 HR 446, and 447 - Relford

22 HR 448 - Fritts

23 HR 450 - Robirds

24 HR 451, and 452 - Elliott

25 HR 453 - Surface

26 HR 454 - Stokan

27 HR 455 - Ross

28 HR 456 - Fritts

29 HR 457 - Sheldon (104)

30 HR 458 - Naeger

31 HR 459 - Edwards-Pavia

32 HR 460, and 461 - Enz

33 HR 462, through 466 - Kelley (47)

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-FOURTH DAY, Thursday, March 27, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

O Lord, in the aftermath of senseless death in California, young men whose future lay ahead have chosen to take their lives. Comfort their families and help them make some sense out of this tragedy.

O Lord of the voiceless and the nameless, here in these chambers we talk so freely about funding this and allocating that and requiring this and regulating that. Remind us that we often speak for those who can not speak; that we represent those whose names will never be known or recognized beyond their own front doors. Help us remember that there are things in this world which simply cost too much and can't be afforded by any but the very rich; help us remember that some people live each day wondering if they'll live to the next. Help us, Gracious God, in the midst of decision making, to keep in perspective the actions we take and the people they affect.

Grant now your counsel and guidance for these representatives and help them seek your law of love in all that they do. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jay Warren, Lindsay Warren, Beth Pendino, Michael Pendino, Melissa Lindwedel, Lauren Lindwedel, Brittany Lindwedel, Taylor Lindwedel, Derek Jenkins, Tiffany Wade, Jenni Geigel, Maria Hulmes, Stephanie Herbers, Remember Vergara, Jessica Palmer, Ryan Richard, Kristina Combs, Danny Colle, Nicole Jackson, Jim Fox, Krissy Deschler, Steven Brummond, Jamie Hoberg, Brandon Williams, Hannah Feltes, Tasha Smith, Nick Macheca, Hannah Miller, Jessica Miller, Andrea Rutledge, Tonya Koger, Stefanie Eslinger, LaVell Williams, Jodie Walker, Julie Walker, Brittany N. McElhaney, Karmen Foster, Daishia Hord, Brennon Bunch and Levi Mitchell.

The Journal of the forty-third day was approved as corrected.

**RESOLUTIONS**

Representative Seigfreid offered House Resolution Nos. 467 and 468, which were referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Vogel offered House Resolution No. 469, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelley (47) offered House Resolution No. 470, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Riback-Wilson offered House Resolution No. 471, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution Nos. 472 and 473, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hollingsworth offered House Resolution No. 474, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution No. 475, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 476, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 477, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COURTESY RESOLUTIONS**

House Resolution Nos. 413 through 448 and 450 through 466 were taken up by Representative Crump.

On motion of Representative Crump, House Resolution Nos. 413 through 448 and 450 through 466 were adopted.

**SECOND READING OF SENATE BILL**

**SCS SB 402** was read the second time.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 003

Kelly 27 Stoll Thompson 37

NOES: 000

PRESENT: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stroker Summers Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 009

Bray 84 Champion Copeland Evans Hand

Kauffman Shear Surface Wiggins

VACANCY: 001

**PERFECTION OF HOUSE BILL**

**HCS HB 335, with HS, as amended, pending,** relating to managed care, was again taken up by Representative Harlan.

Representative Elliott offered House Amendment No. 20.

*House Amendment No. 20*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 1, In the Title, Line 7, by deleting the word "forty-eight" and inserting in lieu thereof the word "forty-nine"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "forty-eight" and inserting in lieu thereof

the word "forty-nine"; and

Further amend said bill, Page 2, Section A, Line 3, by deleting "and 376.1390" and inserting in lieu thereof ", 376.1390 and 1"; and

Further amend said bill, Page 117, Section 376.1390, Line 10, by inserting after all of said line the following:

**"Section 1. Any provision of sections 354.500 to 354.636 which does not apply to all persons covered under any form of health benefit plan shall be void and unenforceable.".**

Representative Elliott moved that House Amendment No. 20 be adopted.

Which motion was defeated by the following vote:

AYES: 011

Auer Burton Elliott Gross Gunn

Hohulin Long Loudon Marble Patek

Treadway

NOES: 142

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Campbell Carter Chrismer Cierpiot Clayton

Cooper Crawford Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Champion Copeland Crump Froelker

Hand Kauffman Pouche Shear

VACANCY: 001

Speaker Gaw assumed the Chair.

Representative Stokan offered House Amendment No. 21.

*House Amendment No. 21*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 39, Section 354.535, Line 19, by adding after the word "network" the following: "**provided however, this subsection shall not be applied to prohibit the extension of any cost savings to enrollees when such savings are provided in the provisions of contracts between health maintenance organizations and pharmacy providers.**"

Representative Stokan moved that House Amendment No. 21 be adopted.

Which motion was defeated by the following vote:

AYES: 010

Auer Franklin Hagan-Harrell Hall Kreider

Lumpe Murphy Smith Stokan Treadway

NOES: 143

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Steen Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Champion Copeland Daniel 42 Hand

Kauffman Lograsso Shear Troupe

VACANCY: 001

Representative Mays (50) offered House Amendment No. 22.

Representative Clayton raised a point of order that House Amendment No. 22 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Holand offered House Amendment No. 22.

*House Amendment No. 22*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 84, Section 376.811, Line 9, by inserting after said section and line, the following:

"376.816. 1. No individual or group insurance policy providing coverage on an expense-incurred basis, no individual or group service or indemnity contract issued by a not for profit health services corporation nor any self-insured group health benefit plan of any type or description shall be offered, issued or renewed in this state on or after July 10, 1991, unless the policy, plan or contract covers adopted children of the insured, subscriber or enrollee on the same basis as other dependents.

2. The coverage required by this section is effective**:**

**(1) From the date of birth if a petition for adoption is filed within thirty days of the birth of such child; or**

**(2)** From the date of placement for the purpose of adoption [and continues] **if a petition for adoption is filed after thirty days of the birth of the child. Such coverage shall continue** unless the placement is disrupted prior to legal adoption and the child is removed from placement. Coverage shall include the necessary care and treatment of medical conditions existing prior to the date of placement.

3. As used in this section, "placement" means in the physical custody of the adoptive parent."; and

Further amend said bill, Section 376.1390, Page 117, Line 10, by inserting after said section the following:

"**Section 1. All individual and group health insurance policies or plans providing maternity benefits coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1997, and providing coverage for maternity benefits, shall offer an option whereby the health insurance benefits shall include delivery expenses at birth of the birth mother of a child adopted within ninety days of the birth of such child in a domestic adoption by an enrollee subject to the same limitations contained in such policy or contract.**"; and

Further amend said bill, Page 93, section 376.1350, Line 5, by immediately inserting after the word "professionals" the words "**Licensed in the state of Missouri**"; and

Further amend said bill, Page 93, Section 376.1350, Line 7, by inserting after the word "peer" the words "**licensed in the State of Missouri**"; and

Further amend said bill, Page 13, Section 354.405, Lines 13-14, by deleting the words "**and approved by**"; and

Further amend said bill, Page 32, Section 354.443, Line 5, by immediately inserting after the word "filing," the following sentence: "**The director shall use the Medicare standards in this determination as provided in 42 C.F.R. 417.479 or its successor.**"; and

Further amend title and enacting clause accordingly.

On motion of Representative Holand, House Amendment No. 22 was adopted.

Representative Patek offered House Amendment No. 23.

Representative Relford raised a point of order that House Amendment No. 23 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Elliott offered House Amendment No. 23.

*House Amendment No. 23*

AMEND House Substitute for House Committee Substitute for House Bill No. 335, Page 117, Line 10, by inserting

after the line the following:

**The provisions of sections 376.1350 to 376.1390 are not applicable to health indemnity plans without a managed care component, as defined in 376.1350.**

On motion of Representative Elliott, House Amendment No. 23 was adopted.

Representative Bennett offered House Amendment No. 24.

Representative Backer raised a point of order that House Amendment No. 24 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Harlan, **HS HCS HB 335, as amended,** was adopted.

On motion of Representative Harlan, **HS HCS HB 335, as amended,** was ordered perfected and printed by the following vote:

AYES: 135

Akin Alter Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Bland Boatright

Bonner Boucher Broach Campbell Carter

Chrismer Cierpiot Clayton Cooper Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lawson Leake Legan

Levin Liese Long Luetkenhaus May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Steen Stokan Stoll Stroker

Summers Tate Thomason 163 Thompson 37 Townley
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 019

Auer Ballard Burton Crawford Elliott
Gaston Gunn Hohulin Lakin Linton
Lograsso Loudon Marble Nordwald Patek
Purgason Smith Surface Treadway

PRESENT: 001

Lumpe

ABSENT WITH LEAVE: 007

Berkstresser Bray 84 Champion Copeland Hand
Kauffman Shear

VACANCY: 001

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 1**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HB 1** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Champion Copeland Edwards-Pavia Hand

Hohulin Kauffman Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 2**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HCS HB 2** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 004

Elliott Hall Linton Loudon

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Champion Copeland Hand Hohulin

Kauffman Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Daniels (41) moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 3**, relating to appropriations, was taken up by Representative Franklin.

Representative Franklin offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 3, Page 1, by inserting in the enacting clause immediately after the word "Missouri" the following language "and to transfer money among certain funds"

On motion of Representative Franklin, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Franklin, **HCS HB 3, as amended,** was read the third time and passed by the following vote:

AYES: 148

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 007

Akin Chrismer Elliott Hall Hohulin
Linton Loudon

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Champion Copeland Hand Kauffman
Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 4**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 4** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Broach
Burton Campbell Carter Chrismer Cierpiot
Clayton Cooper Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wiggins Williams 121 Wilson Mr. Speaker

NOES: 006

Boatright Evans Hohulin Thomason 163 Wannenmacher
Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Champion Copeland Hand Kauffman
Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 5**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 5** was read the third time and passed by the following vote:

AYES: 115

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Burton Campbell Carter Clayton
Cooper Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Farmer Farnen Fitzwater Foley
Ford Franklin Fritts Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gunn Hagan-Harrell Harlan Hartzler 123 Heckemeyer
Hickey Holand Hollingsworth Hoppe Hosmer
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Loudon
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Purgason Ransdall
Reinhart Relford Reynolds Rizzo Robirds
Ross Scheve Schilling Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Skaggs Stokan
Stoll Stroker Tate Thomason 163 Thompson 37
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 040

Akin Bartelsmeyer Berkstresser Boatright Broach
Chrismer Cierpiot Crawford Edwards-Pavia Elliott
Enz Evans Foster Froelker Gaskill
Gaston Gross Hall Hartzler 124 Hegeman
Hendrickson Hohulin Howerton Linton Lograsso
Long Marble Murphy Patek Pryor
Richardson Ridgeway Sallee Schwab Shields
Smith Steen Summers Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Champion Copeland Hand Kauffman
Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Hickey, title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 6**, relating to appropriations, was taken up by Representative Tate.

On motion of Representative Tate, **HCS HB 6** was read the third time and passed by the following vote:

AYES: 145

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Broach Burton
Campbell Carter Chrismer Cierpiot Clayton
Cooper Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Gaskill Gibbons
Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 010

Akin Boatright Crawford Froelker Gaston
Gross Hohulin Lograsso Richardson Sheldon 104

PRESENT: 000

ABSENT WITH LEAVE: 007

Bray 84 Champion Copeland Hand Kauffman
Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 7**, relating to appropriations, was taken up by Representative Tate.

On motion of Representative Tate, **HCS HB 7** was read the third time and passed by the following vote:

AYES: 150

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Broach Burton
Campbell Carter Chrismer Cierpiot Clayton
Cooper Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 004

Akin Hohulin Linton Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 008

Boatright Bray 84 Champion Copeland Hand
Kauffman Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Mays (50) moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 8**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **HCS HB 8** was read the third time and passed by the following vote:

AYES: 143

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Boucher
Broach Burton Campbell Carter Cierpiot
Clayton Cooper Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Luetkenhaus Lumpe May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 010

Akin Bartelsmeyer Berkstresser Boatright Chrismer

Elliott Hohulin Loudon Marble Surface

PRESENT: 002

Bonner Patek

ABSENT WITH LEAVE: 007

Bray 84 Champion Copeland Hand Kauffman

Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 9**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 9** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Champion Copeland Franklin Hand

Kauffman Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 211**, entitled:

An act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, 266.220, 276.401, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.115, 411.131, 411.180, 411.260, 411.261, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.471, 411.517, 411.518 and 411.519, RSMo 1994, and sections 266.195, 411.026 and 411.070, RSMo Supp. 1996, relating to agricultural products, and to enact in lieu thereof forty-nine new sections relating to the same subject, with penalty provisions, an emergency clause and an effective date for certain sections.

With Senate Committee Amendment No. 1.

*Senate Committee Amendment No. 1*

AMEND House Bill No. 211, Page 4, Section 266.165, Line 30, by striking the word "thirty" and inserting in lieu thereof "**twenty-five**"; and

Further amend said bill, page 10, section 266.190, line 16 by striking the opening and closing brackets on said line "[ ]"; and further amend said line by inserting the word "**and**" immediately before "a listing"; and further amend line 18, by inserting the word "**the**" immediately before the word "payment"; and further amend said line by striking the word "fifty" and inserting in lieu thereof the following: "**twenty-five**".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

**HB 211, with Senate Committee Amendment No. 1,** relating to feed/grain dealers,

was taken up by Representative Williams (159).

On motion of Representative Williams (159), the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Champion Copeland Daniel 42 Hand

Kauffman May 108 Shear Wooten

VACANCY: 001

On motion of Representative Williams (159), **HB 211, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 008

Edwards-Pavia Froelker Hartzler 124 Hohulin Loudon
Nordwald Patek Tate

PRESENT: 001

Ford

ABSENT WITH LEAVE: 007

Bray 84 Champion Copeland Hand Kauffman

Shear Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Broach Burton
Campbell Carter Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Heckemeyer Hegeman Hickey
Hollingsworth Hoppe Hosmer Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Monaco Murphy
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Rizzo Robirds Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Thomason 163 Thompson 37 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 016

Akin Boatright Chrismer Edwards-Pavia Froelker

Hartzler 124 Hendrickson Hohulin Howerton Loudon

Miller Nordwald Ridgeway Ross Tate

Townley

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Champion Copeland Hand Holand

Kauffman Shear Wooten

VACANCY: 001

On motion of Representative Farmer, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 10, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 1, pending,** relating to appropriations, was again taken up by Representative Carter.

House Substitute Amendment No. 1 for House Amendment No. 1 was withdrawn.

Representative O'Connor offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 10, Pages 30-31, Section 10.685, Lines 1-9, by striking out all of said lines and inserting in lieu thereof the following:

"Section 10.685. To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding family planning services.

The Division shall directly operate, and shall only contract with public health agencies

for them to directly operate, family planning services to the citizens of Missouri

in compliance with sections 188.200 to 188.220, RSMo

From General Revenue Funds $4,354,639

From Federal Funds 1,464,819

For funding to local health departments and hospitals to provide pregnancy testing

and follow-up services

From General Revenue Fund 664,000

Total (0 F.T.E.) $6,483,458";

and further amend said bill, Page 31, section 10.690 by deleting all of said sections.

On motion of Representative O'Connor, House Substitute Amendment No. 1 for House Amendment No. 1 was adopted by the following vote:

AYES: 095

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner

Boucher Broach Burton Chrismer Cierpiot

Cooper Crawford Crump DeMarce Dolan

Donovan Edwards-Pavia Elliott Enz Evans

Farnen Foley Foster Froelker Gaskill

Gaston Gibbons Graham 106 Gratz Griesheimer

Gross Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Holand Hoppe

Howerton Johnson Kasten Kelley 47 Kennedy

Kissell Lawson Leake Legan Levin

Liese Linton Lograsso Long Luetkenhaus

Marble Miller Murphy Murray Naeger

Nordwald O'Connor Overschmidt Patek Pouche

Pryor Purgason Ransdall Reinhart Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Secrest Sheldon 104

Steen Stoll Summers Surface Townley

Treadway Vogel Wannenmacher Wiggins Williams 159

NOES: 047

Auer Bauer Bland Campbell Carter

Clayton Daniels 41 Davis 63 Davis 122 Days

Dougherty Farmer Fitzwater Franklin Graham 24

Gunn Hagan-Harrell Harlan Hollingsworth Hosmer

Kelly 27 Koller Kreider Lakin Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Ostmann Parker Relford Scheve Schilling

Seigfreid Shelton 57 Shields Skaggs Smith

Stroker Tate Thomason 163 Van Zandt Williams 121

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 020

Backer Bray 84 Champion Copeland Daniel 42

Ford Fritts Goward Green Hand

Hickey Kauffman Loudon Monaco O'Toole

Shear Stokan Thompson 37 Troupe Wooten

VACANCY: 001

On motion of Representative Carter, **HCS HB 10, as amended,** was adopted.

On motion of Representative Carter, **HCS HB 10, as amended,** was ordered perfected and printed.

**HCS HB 11**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 11** was adopted.

On motion of Representative Lakin, **HCS HB 11** was ordered perfected and printed.

**HCS HB 12**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HCS HB 12** was adopted.

On motion of Representative Lumpe, **HCS HB 12** was ordered perfected and printed.

**COMMITTEE REPORTS**

**Committee on Consumer Protection**, Chairman McLuckie reporting:

Mr. Speaker: Your Committee on Consumer Protection, to which was referred **HB 748** and **HB 605**, begs leave to report it has examined the same and recommends that the **House Committee Substitutes Do Pass.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 487**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 496**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 670**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **HB 303**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 303, Section 173.239, Subsection 3, Page 2, Lines 16 through 19, by deleting all of said lines and inserting in lieu thereof the following:

"necessary entrance requirements of the school of **[**his**] such member's choice and shall maintain a grade point average (GPA) of at least two point zero on a four point scale, or the equivalent on another scale approved by the program administrator, for each semester for which the scholarship is claimed. If such member's GPA falls below the minimum two point zero for any semester for which the scholarship is claimed, such member will be placed on academic probation for the next immediately following semester. Such probation period shall last for one semester. If the member's GPA at the end of the probation period does not equal or exceed the minimum two point zero GPA, the member loses eligibility for the scholarship."**

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **Women Legislators of Missouri**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

February 18, 1997

**TO:** Representative Robert Clayton

Chairman of the Ethics Committee

**FROM:** Representative Deleta Williams

**RE:** Women Legislators of Missouri

In accordance with Section 105.470, we are listing the following members of the General Assembly as members of the "Women Legislators of Missouri".

**Representative or Senator**

/s/ Gracia Yancey Backer

/s/ Joan Barry

/s/ Mary Bland

/s/ Joan Bray

/s/ Marsha Campbell

/s/ Paula J. Carter

/s/ Norma Champion

/s/ Bonnie Sue Cooper

/s/ Rita D. Days

/s/ Laurie B. Donovan

/s/ Nancy Farmer

/s/ Mary Hagan-Harrell

/s/ Kate Hollingsworth

/s/ Mary C. Kasten

/s/ Sandra D. Kauffman

/s/ Glenda Kelly

/s/ Sheila Lumpe

/s/ Carol Jean Mays

/s/ Emmy L. McClelland

/s/ Dana L. Murray

/s/ Cindy Ostmann

/s/ Mary Lou Sallee

/s/ May Scheve

/s/ Patricia K. Secrest

/s/ Sue Shear

/s/ Lana Stokan

/s/ Carol Stroker

/s/ Deleta Williams

/s/ Marilyn Williams

/s/ Vicky Riback Wilson

/s/ Roseann Bentley

/s/ Betty Sims

/s/ Anita Yeckel

Mr. Speaker: Your Committee on Ethics, to which was referred **Addendum to House Democratic Caucus and Addition to Freshman Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

March 25, 1997

The Honorable Robert M. Clayton, III, Chairman

House Ethics Committee

State Capitol Building

Rm. 114A

Jefferson City, MO 65101

Dear Representative Clayton:

Please add Representative Karl DeMarce's name to the list of members of the Freshman Caucus of the Missouri House of Representatives. His signature is enclosed herein.

Thank you for your attention to this matter.

Sincerely,

/s/ Randall H. Relford

State Representative

Sixth District

DATE: March 26, 1997

TO: Representative Robert Clayton

Chairman, House Committee on Ethics

FROM: Representative Dana L. Murray

Majority Caucus Secretary

RE: Addendum to House Democratic Caucus

In accordance with Section 105.470(6)4(2) and (c)d RSMo 1991, we would like to add the following member of the General Assembly as a member of the Missouri House Democratic Caucus:

**District Signature**

1 /s/ Karl DeMarce

Mr. Speaker: Your Committee on Ethics, to which was referred **Addition to Committee Chairs Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

February 25, 1997

Rep. Robert Clayton

Capitol Building

Jefferson City, MO 65101

Dear Robert:

I respectfully request that I be added to the "Committee Chairs Caucus". Thank you for notice of this opportunity.

Sincerely,

/s/Louis Ford

Representative Louis H. Ford

District 58

Mr. Speaker: Your Committee on Ethics, to which was referred **Conservative Organization for Women**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

March 19, 1997

TO: Representative Robert Clayton, Chairman, Ethics Committee

FROM: Representative Luann Ridgeway

RE: Conservative Organization for Women

In accordance with Section 105.407 and the Rules of the Missouri House of Representatives, a listing of members of the 89th General Assembly's House of Representatives "Conservative Organization for Women" is attached.

Please consider this letter as a formal application to the Committee on Ethics to establish this caucus. The commonality of interest, the advantages of forming this caucus, and the regularity of our meetings support approval.

At present, I will be serving as Chair and Connie Cierpiot as Vice Chair.

Please contact me at 751-2238 if you have any questions concerning this caucus organization.

/s/ Luann Ridgeway

**Members - "Conservative Organization for Women"**

/s/ Luann Ridgeway /s/ Chuck Pryor

District 35 District 116

/s/ Connie J. Cierpiot /s/ Jim Howerton

District 52 District 120

/s/ Judy Berkstresser /s/ Beth Long

District 141 District 146

/s/ Linda Bartelsmeyer /s/ Catherine Enz

District 132 District 99

/s/ Patrick Naeger /s/ Mary Lou Sallee

District 155 District 144

/s/ Don Steen /s/ Norma J. Champion

District 115 District 13

/s/ Bubs Hohulin /s/ Sam Gaskill

District 126 District 131

/s/ Annie Reinhart /s/ Ken Legan

District 34 District 145

/s/ Gary Marble /s/ Phil Wannenmacher

District 130 District 139

/s/ William C. Linton /s/ W. Todd Akin

District 89 District 86

/s/ Bill Alter /s/ Carl M. Vogel

District 90 District 114

/s/ William W. Gratz /s/ Fred Pouche

District 113 District 38

/s/ Tom Hoppe /s/ Patricia K. Secrest

District 46 District 9

/s/ Dennis Bonner /s/ Daniel Hegeman

District 51 District 5

Mr. Speaker: Your Committee on Ethics, to which was referred **Caucus for Legislators for a Moderate Agenda**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

TO: Representative Robert Clayton

FROM: Representative Timothy Green

DATE: February 24, 1997

RE: Caucus for Legislators for a Moderate Agenda

In accordance with seciton 105.470.4(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Caucus for Legislators for a Moderate Agenda.

**Representatives District**

/s/Ron Auer 59

/s/Joan Barry 100

/s/Dorathea Davis 63

/s/James Foley 81

/s/Timothy Green 73

/s/Chuck Gross 18

/s/John Hickey 80

/s/Thomas Hoppe 46

/s/M.E. Johnson 107

/s/Harry Kennedy 66

/s/Don Kissell 17

/s/Jim Kreider 142

/s/Christopher Liese 85

/s/Bill Luetkenhaus 12

/s/Brian May 108

/s/Dana Murray 69

/s/Patrick O'Connor 79

/s/Jim O'Toole 68

/s/David Reynolds 77

/s/Steve Stoll 103

/s/Phil Wannenmacher 139

Mr. Speaker: Your Committee on Ethics, to which was referred **St. Louis Area Legislators Caucus**, begs leave to report it has examined the same and recommends that it **approves it pursuant to 105.470(2)(c)d.**

To: Robert Clayton, Chair

House Ethics Committee

From: Joan Bray

Re: St. Louis Area Legislators Caucus

In accordance with Section 105.407 and the rules of the House of Representatives, a listing of the members of the 89th General Assembly's House of Representatives St. Louis Area Legislators Caucus is attached.

Feel free to contact me at 751-2514 if you have any questions concerning this caucus organization. I shall serve as the designated member to present this caucus to committee.

March 17, 1997

TO: House Ethics Committee

FROM: St. Louis Area Legislators

RE: Caucus

In accordance with Section 105.470(6)4(2) and (c) d RSMo 1991 we are listing the following members of the House of Representatives as members of the "St. Louis Area Caucus":

REPRESENTATIVE

/s/ Bill Luetkenhaus 12 /s/ Jon Dolan 13

/s/ Cindy Ostmann 14 /s/ Jon Bennett 15

/s/ Rich Chrismer 16 /s/ Don Kissell 17

/s/ Charles Gross 18 /s/ O.L. Shelton 57

/s/ Louis Ford 58 /s/ Ron Auer 59

/s/ Paula Carter 61 /s/ Dorathea Davis 63

/s/ Nancy Farmer 64 /s/ Tom Bauer 65

/s/ Harry Kennedy 66 /s/ Patrick Dougherty 67

/s/ James O'Toole 68 /s/ Dana Murray 69

/s/ Russell Gunn 70 /s/ Rita Days 71

/s/ Sheila Lumpe 72 /s/ Timothy Green 73

/s/ Lauri Donovan 74 /s/ Mary Hagan-Harrell 75

/s/ Lana Stokan 76 /s/ David Reynolds 77

/s/ Carol Stroker 78 /s/ Patrick O'Connor 79

/s/ John Hickey 80 /s/ James Foley 81

/s/ David Levin 82 /s/ Sue Shear 83

/s/ Joan Bray 84 /s/ Chris Liese 85

/s/ W. Todd Akin 86 /s/ John Loudon 88

/s/ William Linton 89 /s/ Bill Alter 90

/s/ Emmy McClelland 91 /s/ Brent Evans 92

/s/ Patricia Secrest 93 /s/ Michael Gibbons 94

/s/ Joseph Treadway 96 /s/ Carl Hendrickson 97

/s/ May Scheve 98 /s/ Catherine Enz 99

/s/ Joan Barry 100 /s/ Katherine Hollingsworth 101

/s/ David Broach 102 /s/ Steve Stoll 103

/s/ Brian May 108 /s/ John Griesheimer 109

Mr. Speaker: Your Committee on Ethics, to which was referred **House Democratic Leadership (DLC) Caucus**, begs leave to report it has examined the same and approves it pursuant to 105.470(2)(c)d.

TO: House Ethics Committee

Rep. Robert Clayton, Chairman

FROM: Rep. Ted Farnen

RE: House Democratic Leadership Council (DLC) Caucus

The following members would like to form the House DLC Caucus, in accordance with Section 105.470 (6) 4 (2) and (c) d RSMo 1991. The caucus is interested in learning about ideas promoted by the Democratic Leadership Council.

**Representative District**

/s/ Phil Tate 3

/s/ Randall Relford 6

/s/ Gary Wiggins 8

/s/ Sam Leake 9

/s/ Robert Clayton 10

/s/ Phil Smith 11

/s/ Bill Luetkenhaus 12

/s/ Don Kissell 17

/s/ Gracia Backer 20

/s/ Ted Farnen (Chairman) 21

/s/ Steve Gaw 22

/s/ Karl DeMarce 1

/s/ Chuck Graham 24

/s/ Jim Seigfreid 26

/s/ Glenda Kelly 27

/s/ Maurice Lawson 29

/s/ Bill Skaggs 31

/s/ Scott Lakin 33

/s/ Rodger Fitzwater 36

/s/ Henry Rizzo 40

/s/ Tom Hoppe 46

/s/ Bill Boucher 48

/s/ Ralph Monaco 49

/s/ Carol Jean Mays 50

/s/ Dick Franklin 53

/s/ Ron Auer 59

/s/ Dorathea Davis 63

/s/ Tom Bauer 65

/s/ Harry Kennedy 66

/s/ Pat Dougherty 67

/s/ Jim O'Toole 68

/s/ Dana Murray 69

/s/ Rita Days 71

/s/ Tim Green 73

/s/ Mary Hagan-Harrell 75

/s/ Lana Stokan 76

/s/ David Reynolds 77

/s/ Carol Stroker 78

/s/ Pat O'Connor 79

/s/ Jack Hickey 80

/s/ James M. Foley 81

/s/ Chris Liese 85

/s/ Joe Treadway 96

/s/ May Scheve 98

/s/ Joan Barry 100

/s/ Steve Stoll 103

/s/ Rocky Johnson 107

/s/ Brian May 108

/s/ Francis Overschmidt 110

/s/ Bill Gratz 113

/s/ Deleta Williams 121

/s/ D. J. Davis 122

/s/ Jim Kreider 142

/s/ Bill Ransdall 148

/s/ Jerry McBride 149

/s/ Kelly Parker 150

/s/ Wayne Crump 152

/s/ Don Koller 153

/s/ Marilyn Williams 159

/s/ Joe Heckemeyer 160

/s/ Gene Copeland 161

/s/ Larry Thomason 163

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 116**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 137**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 337**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HB 357**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 156**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 160**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 547**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 694**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 402**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 817**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 827**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 409** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 27** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 25** - Budget

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 803** - Civil and Administrative Law

**HB 851** - Ways and Means

**HB 852** - Budget

**HB 853** - Civil and Administrative Law

**HB 854** - Ways and Means

**HB 855** - Ways and Means

**HB 856** - Elections

**HB 857** - Civil and Administrative Law

**HB 858** - Criminal Law

**HB 859** - Children, Youth and Families

**HB 860** - Education - Elementary and Secondary

**HB 861** - Criminal Law

**HB 862** - Governmental Organization and Review

**HB 863** - Motor Vehicle and Traffic Regulations

**HB 864** - Environment and Energy

**HB 865** - Local Government and Related Matters

**HB 866** - Local Government and Related Matters

**HB 867** - Education - Higher

**HB 868** - Governmental Organization and Review

**HB 869** - Ways and Means

**HB 870** - Commerce

**HB 871** - Insurance

**HB 872** - Ways and Means

**HB 873** - Professional Registration and Licensing

**HB 874** - Commerce

**HB 875** - Miscellaneous Bills and Resolutions

**HB 876** - Education - Elementary and Secondary

**HB 877** - Budget

**HB 878** - Social Services, Medicaid and the Elderly

**HB 879** - Retirement

**HB 880** - Education - Elementary and Secondary

**HB 881** - Local Government and Related Matters

**HB 882** - Education - Elementary and Secondary

**HB 883** - Criminal Law

**HB 884** - Civil and Administrative Law

**HB 885** - Elections

**HB 886** - Education - Elementary and Secondary

**HB 887** - Urban Affairs

**HB 888** - Social Services, Medicaid and the Elderly

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 140**, entitled:

An act to repeal sections 303.024, 303.025, 303.026, 303.030, 303.043 and 303.190, RSMo 1994, relating to financial responsibility for motor vehicles, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 165**, entitled:

An act to repeal sections 135.208, 143.805, 148.064, 178.896, 620.1072 and 620.1078, RSMo 1994, and sections 135.100, 135.200, 135.225, 135.230, 135.247, 135.352, 135.460, 135.500, 135.503, 135.508, 135.516, 144.030, 178.895 and 447.710, RSMo Supp. 1996, relating to the department of economic development, and to enact in lieu thereof thirty-nine new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 251**, entitled:

An act to repeal sections 610.122 and 610.123, RSMo Supp. 1996, relating to the expungement of certain criminal records, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 265**, entitled:

An act to repeal sections 404.703, 404.705, 404.710, 404.714, 404.717, 404.723, 404.727 and 404.730, RSMo 1994, and section 404.719, RSMo Supp. 1996, relating to powers of attorney, and to enact in lieu thereof nine new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 303**, entitled:

An act to repeal sections 238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237 and 238.240, RSMo 1994, relating to transportation development districts, and to enact in lieu thereof thirteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 367**, entitled:

An act to repeal section 217.705, RSMo 1994, and sections 565.084 and 571.030, RSMo Supp. 1996, relating to probation and parole officers, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 2:00 p.m., Tuesday, April 1, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-third Day, Wednesday, March 26, 1997, pages 742 and 743, roll call, by showing Representative Loudon voting "present" rather than "absent with leave".

Pages 743 and 744, roll call, by showing Representatives Loudon and Hollingsworth voting "aye" rather than "absent with leave".

Pages 744 and 745, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".

Pages 747 and 748, roll call, by showing Representative Cierpiot voting "aye" rather than "absent with leave".

Page 754, roll call, by showing Representatives O'Toole and Gratz voting "aye" rather than "absent with leave".

Page 759, roll call, by showing Representatives Hollingsworth and Days voting "aye" rather than "absent with leave".

Page 761, roll call, by showing Representative Barnett (4) voting "aye" rather than "absent with leave".

Pages 762, roll call, by showing Representative Carter voting "aye" rather than "absent with leave".

Page 763, roll call, by showing Representatives Carter and Cooper voting "aye" rather than "absent with leave".

Pages 763 and 764, roll call, by showing Representatives Carter and Fitzwater voting "aye" rather than "absent with leave".

Pages 764 and 765, roll call, by showing Representative Foster voting "aye" rather than "absent with leave".

Page 767, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".

Page 767, roll call, by showing Representative Loudon voting "no" rather than "absent with leave".

Page 768, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Page 769, roll call, by showing Representatives Murphy and Kreider voting "aye" rather than "absent with leave".

Page 770, roll call, by showing Representatives Wilson, Luetkenhaus, and Murphy voting "aye" rather than "absent with leave".

Page 771, roll call, by showing Representative Days voting "aye" rather than "absent with leave".

Page 772, roll call, by showing Representatives O'Connor and Murphy voting "aye" rather than "absent with leave".

Page 773, roll call, by showing Representatives Kelly (27) and Kreider voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Wednesday, April 2, 1997, 9:30 am. Hearing Room 5. Executive session.

To be considered - SB 179

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 2, 1997, 9:00 am. Hearing Room 8. Executive session.

To be considered - SB 148, SB 128, SB 375

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 2, 1997. Hearing Room 1 upon morning adjournment.

To be considered - SB 121, SB 164, SB 19, SB 161, SB 387, SB 197

CONSUMER PROTECTION

Tuesday, April 1, 1997, 8:00 pm. Hearing Room 2. Executive session to follow.

To be considered - HB 835, HB 834

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, April 1, 1997, 8:00 pm. Hearing Room 9. Executive session.

To be considered - SB 34, SB 89, SB 318, SB 430

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 1, 1997, 12:30 pm. Hearing Room 8.

To be considered - HB 579, HB 292, Executive Session - HB 405, Executive Session - HB 785, Executive Session - HB 787, Executive Session - HB 108

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Tuesday, April 1, 1997, 8:00 pm. Hearing Room 3. Executive session to follow.

To be considered - HCR 19, HCR 20, HCR 26, SB 69, SB 261

JOINT COMMITTEE ON WETLANDS

Monday, April 7, 1997, 11:30 am. Hearing Room 7. Informational meeting.

Various agencies will provide info and updates.

JUDICIARY

Tuesday, April 1, 1997, 12:00 pm. Hearing Room 5.

To be considered - SB 170, SB 56, SB 169

LABOR

Tuesday, April 1, 1997, 8:00 pm. Hearing Room 8.

To be considered - HB 752, HB 849

LOCAL GOVERNMENT AND RELATED MATTERS

Wednesday, April 2, 1997. Hearing Room 7 upon morning adjournment.

Executive session may follow.

To be considered - HB 733, HB 478

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 2, 1997, 9:00 am. Hearing Room 7.

To be considered - SB 29, SB 242

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 1, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 18, SB 63, SB 334

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 1, 1997, 7:00 pm. Hearing Room 5.

To be considered - SB 246, HB 878, HB 795, HB 747, HB 701

TRANSPORTATION

Wednesday, April 2, 1997, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 67, SB 131

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Tuesday, April 1, 1997, 12:00 pm. Hearing Rooms 1 & 2.

To be considered - SB 55, SB 270

**HOUSE CALENDAR**

FORTY-FIFTH DAY, TUESDAY, APRIL 1, 1997

**HOUSE JOINT RESOLUTIONS FOR PERFECTION - INFORMAL**

HJR 18 - Harlan

**HOUSE BILLS FOR PERFECTION**

1 HB339, HCA 1 - Kreider

2 HCS HB 600 & 388 - Carter

3 HB 193 - Auer

4 HCS HB 528 - Wiggins

5 HCS HB 100 - Williams (121)

6 HCS HB 493 & 39 - Farnen

7 HCS HB 426, 576 & 567 - Luetkenhaus

8 HCS HB 472 - Luetkenhaus

9 HCS HB 738 - Hosmer

10 HB 338 - Gunn

11 HCS HB 369 - Clayton

12 HB 660 - Lumpe

13 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

14 HB 304, HCA 1 - Ransdall

15 HCS HB 276 - Davis (122)

16 HB 766, HCA 1 - Harlan

17 HCS HB 69 & 179 - Hosmer

18 HB 301, HCAs 1 & 2 - Lumpe

19 HB 389, HCA 1 - Luetkenhaus

20 HCS HB 396 - Hosmer

21 HCS HB 146 - Scheve

22 HCS HB 214 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 24, 1997)

1 HB 540 - Bray

2 HB 526 - Koller

3 HB 590 - O'Toole

4 HB 659 - Clayton

5 HB 710 - Foley

6 HB 712 - Tate

7 HB 722 - Johnson

8 HB 734 - Bauer

9 HB 749 - Stroker

10 HB 756 - Luetkenhaus

11 HB 771 - Barnett

12 HB 523 - Skaggs

13 HB 340 - Pouche

14 HB 159 - Champion

(March 27, 1997)

15 HB 82 - Champion

16 HB 820 - Sheldon (104)

17 HB 802 - Gratz

18 HB 823 - Lumpe

19 HB 642 - Smith

20 HB 470 - Smith

21 HB 844 - Richardson

22 HB 832 - Hoppe

23 HB 813 - Bartelsmeyer

24 HB 816 - Williams (159)

25 HB 592 - O'Toole

26 HB 348 - Farmer

27 HB 821 - Backer

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 361, (Budget Fiscal, 3-17-97) - May (108)

HCS HB 212, (Budget Fiscal, 3-18-97) - Treadway

**HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE**

HCS HB 411, E.C. - Dougherty

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 713 - Davis (63)

HB 663 - Stokan

HB 773, E.C. - McBride

HB 769 - Relford

HB 783 - Stoll

HB 643 - Barry

HB 762 - Davis (63)

HB 654 - Bray

**SENATE BILLS FOR SECOND READING**

SCS SB 140

SS SCS SB 165

SCS SB 251

SCS SB 265

SB 303

SS SB 367

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

FORTY-FIFTH DAY, Tuesday, April 1, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

As we come into these halls again, Gracious God, we've read the news stories of the charismatic leader who preached and taught seemingly absurd concepts of life and death. As the April anniversary approaches, we're reminded of actions in Oklahoma City that shocked our nation and changed forever the lives of hundreds of people. And yet we know there is good: there are people working hard to see that our children receive the educations they deserve; there are people working hard to see that men, women and children receive adequate health care; there are people working hard to insure better roads, fairer laws, and equal opportunities. There IS good news but it doesn't often make the front pages.

As these representatives come to this week with their own agendas and needs, help them remember these words of a wise person: "Lord, help us accept the things we can't change; give us courage to change the things we can, and grant us the wisdom to know the difference." Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Foley, Fhonda Loveless, Emily Neill, Ricky Renfroe, Michael Ha, Liesl Schoenberger, Layne Strattman, Danny Robert, Marcus LeGrand, Brad Wicker, Virginia Green, Hasan El-Fahmawi, Lacy Wood, Thomas Kissell, Brandon Ketsenburg, Diana Watson and Laura Watson.

The Journal of the forty-fourth day was approved as corrected.

**RESOLUTIONS**

Representatives Hollingsworth and Stoll offered House Resolution No. 478, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gratz offered House Resolution No. 479, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 480, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Harlan offered House Resolution No. 481, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Secrest offered House Resolution No. 482, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 483, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gunn offered House Resolution No. 484, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 485, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lawson offered House Resolution No. 486, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bartelsmeyer offered House Resolution No. 487, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 488, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Marble, et al, offered House Resolution Nos. 489 and 490, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Griesheimer offered House Resolution Nos. 491 and 492, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 493, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SUPPLEMENTAL- CALENDAR**

**TUESDAY, APRIL 1, 1997**

**HOUSE BILLS FOR PERFECTION - CONSENT**

(April 1, 1997)

HB 487 - Parker

HB 547 - Gross

HB 817 - Hagan-Harrell

HB 827 - Hagan Harrell

HB 402 - Naeger

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

HCS HB 10 - Carter

HCS HB 11 - Lakin

HCS HB 12 - Geen/Franklin

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 212 (Fiscal Note)**, begs leave to report

it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HS HCS HB 361 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 159, HB 340, HB 523, HB 526, HB 540, HB 590, HB 659, HB 710, HB 712, HB 722, HB 734, HB 749, HB 756 and HB 771**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 10, HCS HB 11 and HCS HB 12**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 211**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 335**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**SECOND READING OF SENATE BILLS**

**SCS SB 140, SS SCS SB 165, SCS SB 251, SCS SB 265, SB 303** and **SS SB 367** were

read the second time.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 148

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Evans Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Secrest Seigfreid

Shear Sheldon 104 Shields Skaggs Smith

Steen Stokan Stroker Summers Surface

Tate Thomason 163 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 014

Auer Bland Copeland Enz Farmer

Ford Goward Hand Hohulin Scott

Shelton 57 Stoll Thompson 37 Troupe

VACANCY: 001

**SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HB 211** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 211** was delivered to the Governor by the Chief Clerk of the House.

**PERFECTION OF HOUSE BILLS**

**HB 339, with House Committee Amendment No. 1**, relating to witness testimony, was taken up by Representative Kreider.

On motion of Representative Kreider, House Committee Amendment No.1 was adopted.

On motion of Representative Kreider, **HB 339, as amended,** was ordered perfected and printed.

**HCS HBs 600 and 388**, relating to health insurance, was taken up by Representative Carter.

Representative Carter offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 600 and 388, Page 2, Section 376.1219, Line 8, by deleting the words "or dietary supplements prescribed" and insert in lieu thereof the word "**recommended**".

On motion of Representative Carter, House Amendment No. 1 was adopted.

Representative Carter offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 600 and 388, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the phrase "sections 191.331 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Sections 191.331 and 376.995, RSMo Supp. 1996, are repealed and three new sections enacted in lieu thereof, to be known as sections 191.331, 376.995 and 376.1219, to read as follows:

191.331. 1. Every infant who is born in this state shall be tested for phenylketonuria and such other metabolic or genetic diseases as are prescribed by the department. The department shall make such rules pertaining to such tests as shall be dictated by accepted medical practice, and tests shall be of the types approved by the department. All newborn screening tests required by the department shall be performed by the department of health laboratories. The attending physician, **certified nurse midwife,** public health facility**, ambulatory surgical center** or hospital shall assure that appropriate specimens are collected and submitted to the department of health laboratories.

2. All physicians, **certified nurse midwives,** public health nurses and administrators of **ambulatory surgical centers or** hospitals shall report to the department all diagnosed cases of phenylketonuria and other metabolic or genetic diseases as designated by the department. The department shall prescribe and furnish all necessary reporting forms.

3. The department shall develop and institute educational programs concerning phenylketonuria and other metabolic and genetic diseases and assist parents, physicians, hospitals and public health nurses in the management and basic treatment of these diseases.

4. The provisions of this section shall not apply if the parents of such child object to the tests or examinations provided in this section on the grounds that such tests or examinations conflict with their religious tenets and practices.

5. [Except] As provided in subsection 4 of this section, the parents of any child who fail to have such test or examination administered after notice of the requirement for such test or examination [by the physician or hospital are guilty of a class A misdemeanor, and upon conviction thereof shall be punished as provided by law] **shall be required to document in writing such refusal. All physicians, certified midwives, public health nurses and administrators of ambulatory surgical centers or hospitals shall provide to the parents or guardians a written packet of educational information developed and supplied by the department of health describing the type of specimen, how it is obtained, the nature of diseases being screened, and the consequences of treatment and nontreatment. The attending physician, certified nurse midwife, public health facility, ambulatory surgical center or hospital shall obtain the written refusal and make such refusal part of the medical record of the infant**.

6. Notwithstanding the provisions of section 192.015, RSMo, to the contrary, the department may, by rule, annually determine and impose a reasonable fee for each newborn screening test made in any of its laboratories. **The department may collect the fee from any entity or individual described in subsection 1 of this section in a form and manner established by the department. Such fee may be considered as a cost payable to such entity by a health care third party payer, including, but not limited to, a health insurer operating pursuant to chapter 376, RSMo, a domestic health services corporation or health maintenance organization operating pursuant to chapter 354, RSMo, and a governmental or entitlement program operating pursuant to state law. Such fee shall not be considered as part of the internal laboratory costs of the persons and entities described in subsection 1 of this section by such health care third party payers.** No individual shall be denied screening because of inability to pay. Such fees shall be deposited in a separate account in the public health services fund created in section 192.900, RSMo, and funds in such account shall be used for the support of the newborn screening program and activities related to the screening, diagnosis, and treatment, including special dietary products, of persons with metabolic and genetic diseases; and follow-up activities that ensure that diagnostic evaluation, treatment and management is available and accessible once an at-risk family is identified through initial screening; and for no other purpose. These programs may include education in these areas and the development of new programs related to these diseases.

7. **Subject to appropriations provided for formula for the treatment of inherited diseases of amino acids and organic acids, the department shall provide such formula to persons with inherited diseases of amino acids and organic acids subject to the conditions described in this subsection. State assistance pursuant to this subsection shall be available to an applicant only after the applicant has shown that the applicant has exhausted all benefits from third party payers, including, but not limited to, health insurers, domestic health services corporations, health maintenance organizations, Medicare, Medicaid and other government assistance programs.** The department shall establish an income-based means test to be used to determine eligibility for the [special dietary products made available under subsection 6 of] **formula made available pursuant to** this section.

8. No rule or portion of a rule promulgated under the authority of sections 191.300 to 191.380 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.".

Representative Lakin offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill Nos. 600 and 388, Page 3, Line 10 from the top of the page, by inserting after the word "**certified**", the word "**nurse**".

On motion of Representative Lakin, House Amendment No. 1 to House Amendment No. 2 was adopted.

Representative Lograsso offered House Amendment No. 2 to House Amendment No. 2.

*House Amendment No. 2*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill Nos. 600 and 388, Page 5, Line 1, by adding immediately after said line, the following:

**9**. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 2 to House Amendment No. 2 was adopted.

On motion of Representative Carter, House Amendment No. 2, as amended, was adopted.

Representative Elliott offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 600 and 388, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "two" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and number "and 376.1219" and inserting in lieu thereof the numbers and word ", 376.1219, 1 and 2"; and

Further amend said bill, Page 3, Section 376.1219, Line 21, by inserting after all of said line the following:

"**Section 1. 1. There is hereby established a "Mandated Health Care Benefit Review Commission", to be composed of seven members appointed by the Missouri department of insurance. Appointments shall be made by September 1, 1997. Such commission shall be comprised of one representative from each of the following:**

**(1) An insurance company which is an employer carrier;**

**(2) A business trade association representing large business;**

**(3) A business trade association representing small employers;**

**(4) A Missouri-based business coalition;**

**(5) A business which is a purchaser of health care;**

**(6) Health care consumers; and**

**(7) Organized labor.**

**Members of the commission shall serve four-year terms, except that of the initial appointments made by the director of insurance, two shall be for a two-year term, two shall be for a three-year term and three shall be for a four-year term. Any vacancy on the commission shall be filled in the same manner as the original appointment.**

**2. Members of the mandated health care benefit review commission shall receive no compensation for their membership on the commission, but members shall receive reimbursement for their actual and necessary expenses incurred in the performance of their duties.**

**Section 2. 1. The mandated health care benefit review commission shall be charged with the following:**

**(1) Evaluation of both existing state mandated health care benefits enacted by the Missouri general assembly prior to the 1997 session of the Missouri general assembly and any new mandated benefits adopted into law by the Missouri general assembly in the future;**

**(2) Evaluation of the cost effectiveness and the impact on the quality of care each mandated benefit has, based upon the following criteria:**

**(a) Number of insured Missourians currently utilizing the benefit;**

**(b) The increased costs associated with the mandated benefit on employer health care premiums;**

**(c) If the mandated benefit is accomplishing its desired effect on improving the overall health of Missourians; and**

**(d) Any additional factors that individually detail each mandated benefit's impact on the health care delivery and finance system of this state.**

**2. Upon completion of the review in subsection 1 of this section, the commission shall report its findings to the director of the department of insurance by January 31, 1998, and by December first, for each year thereafter, as to which mandated benefits are accomplishing their desired objectives and which are not, taking into account the factors listed in subsection 1 of this section. The director shall then discontinue the requirement that insurance companies operating in this state offer any mandated benefits that do not meet with commission approval.**".

Representative Carter raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 3 was withdrawn.

On motion of Representative Carter, **HCS HBs 600 and 388, as amended,** was adopted by the following vote:

AYES: 147

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Toole Ostmann Overschmidt Parker Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 005

Crawford Gaston Loudon O'Connor Patek

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Bland Farmer Ford Goward
Hand Hohulin Shelton 57 Thompson 37 Troupe

VACANCY: 001

On motion of Representative Carter, **HCS HBs 600 and 388, as amended,** was ordered perfected and printed.

Speaker Pro Tem Kreider assumed the Chair.

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 10**, relating to appropriations, was taken up by Representative Carter.

On motion of Representative Carter, **HCS HB 10** was read the third time and passed by the following vote:

AYES: 128

Alter Backer Ballard Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright
Bonner Boucher Broach Burton Carter

Champion Cierpiot Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

DeMarce Donovan Dougherty Edwards-Pavia Elliott

Enz Farnen Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 106 Gratz Green Griesheimer Gross

Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

Marble May 108 McBride McClelland Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Schwab

Scott Secrest Sheldon 104 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wooten Mr. Speaker

NOES: 025

Akin Bray 84 Campbell Chrismer Clayton

Days Dolan Evans Fitzwater Graham 24

Gunn Hall Harlan Kauffman Kelly 27

Loudon Mays 50 McLuckie Scheve Schilling

Seigfreid Shear Thompson 37 Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bland Farmer Ford Goward

Hand Hohulin Shelton 57 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Stoll moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 11**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **HCS HB 11** was read the third time and passed by the following vote:

AYES: 144

Alter Backer Ballard Barnett 4 Barry 100
Bauer Bennett 15 Berkstresser Bonner Boucher
Bray 84 Burton Campbell Carter Champion
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Lograsso Long
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 009

Akin Bartelsmeyer Boatright Broach Chrismer

Gross Hall Linton Loudon

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bland Farmer Ford Goward

Hand Hohulin Shelton 57 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 12**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 12** was read the third time and passed by the following vote:

AYES: 098

Backer Ballard Barnett 4 Bauer Bennett 15

Boucher Bray 84 Burton Campbell Carter

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Farnen Fitzwater Foley

Franklin Fritts Gibbons Graham 24 Graham 106

Green Griesheimer Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Heckemeyer Hickey Holand

Hollingsworth Hosmer Johnson Kauffman Kelley 47

Kelly 27 Kennedy Kissell Lakin Lawson

Leake Legan Liese Long Luetkenhaus

Lumpe May 108 Mays 50 McBride McClelland

McLuckie Monaco Murray Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pryor
Ransdall Relford Reynolds Rizzo Robirds
Ross Scheve Schilling Scott Shear
Sheldon 104 Shields Skaggs Smith Steen
Stokan Stoll Stroker Tate Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Wilson Wooten Mr. Speaker

NOES: 051

Akin Alter Barry 100 Bartelsmeyer Berkstresser
Boatright Bonner Broach Champion Chrismer
Cierpiot Crawford Dolan Edwards-Pavia Elliott
Enz Evans Foster Froelker Gaskill
Gaston Gross Hartzler 124 Hegeman Hendrickson
Hoppe Howerton Koller Kreider Levin
Linton Lograsso Loudon Marble Miller
Murphy Naeger Patek Pouche Purgason
Reinhart Richardson Ridgeway Sallee Schwab
Secrest Seigfreid Summers Surface Thomason 163
Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Bland Farmer Ford Goward
Gratz Hand Hohulin Kasten Shelton 57
Thompson 37 Troupe Williams 121

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE JOINT RESOLUTION - INFORMAL**

**HJR 18**, relating to state treasurer, was taken up by Representative Harlan.

On motion of Representative Harlan, **HJR 18** was ordered perfected and printed.

**THIRD READING OF HOUSE BILLS**

**HS HCS HB 361**, relating to landlord-tenant, was taken up by Representative May (108).

Representative Lograsso offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 361, Page 13, Section 2, Line 1, by adding the word "court" immediately before the word "judges" and line 29, by adding the word "court" after the word "circuit" and line 45, by deleting the word "city" and inserting in lieu thereof the word "county".

On motion of Representative Lograsso, House Perfecting Amendment No. 1 was adopted.

On motion of Representative May (108) , **HS HCS HB 361, as amended,** was read the third time and passed by the following vote:

AYES: 123

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Champion Chrismer Cierpiot Cooper

Copeland Crawford Crump Davis 63 Davis 122

Dolan Donovan Dougherty Elliott Enz

Evans Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 106 Gratz Green Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schwab Secrest

Seigfreid Sheldon 104 Shields Skaggs Steen

Stokan Stoll Stroker Summers Surface

Thomason 163 Townley Treadway Vogel Wannenmacher

Williams 121 Williams 159 Wooten

NOES: 024

Bray 84 Carter Clayton Daniel 42 Days

DeMarce Edwards-Pavia Farnen Graham 24 Gunn

Hagan-Harrell Harlan Kelly 27 Lumpe McLuckie

Murphy Reynolds Schilling Shear Smith

Tate Van Zandt Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Auer Bland Daniels 41 Farmer Ford

Goward Hand Hohulin Howerton Ridgeway

Scott Shelton 57 Thompson 37 Troupe Wiggins

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Crump moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 212**, relating to professional registration, was taken up by Representative Treadway.

On motion of Representative Treadway, **HCS HB 212** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fritts Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelly 27 Kennedy Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Secrest Seigfreid
Shear Sheldon 104 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 006

Boatright Clayton Froelker Kissell Murphy
Patek

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bland Farmer Ford Goward
Hand Hohulin Kelley 47 Scott Shelton 57
Thompson 37 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILL - FEDERAL MANDATE**

**HCS HB 411**, relating to child support enforcement, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **HCS HB 411** was read the third time and passed by the following vote:

AYES: 115

Backer Ballard Barnett 4 Barry 100 Bartelsmeyer
Bauer Bennett 15 Berkstresser Boatright Bonner
Boucher Bray 84 Broach Burton Campbell
Champion Cierpiot Crawford Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Enz Evans Farnen
Fitzwater Foley Foster Franklin Gaskill
Gaston Gibbons Gratz Griesheimer Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Lakin Lawson Leake Levin Liese
Long Luetkenhaus Lumpe Marble May 108
McBride McClelland McLuckie Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pryor Purgason Ransdall
Reinhart Relford Reynolds Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Seigfreid Shear Shields Skaggs Smith
Steen Stokan Stroker Surface Tate
Thomason 163 Townley Van Zandt Vogel Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 036

Akin Alter Carter Chrismer Clayton
Cooper Copeland Edwards-Pavia Elliott Fritts
Froelker Graham 24 Graham 106 Green Gross
Howerton Koller Kreider Legan Linton

Lograsso Loudon Mays 50 Miller Murphy
Patek Pouche Richardson Ridgeway Scott
Secrest Sheldon 104 Summers Thompson 37 Treadway
Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Bland Crump Farmer Ford
Goward Hand Hohulin Shelton 57 Stoll
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Backer Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bonner Boucher Bray 84 Burton
Campbell Champion Chrismer Cierpiot Clayton
Copeland Crawford Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Evans Farnen Fitzwater Foley
Foster Franklin Gaskill Gibbons Graham 24
Gratz Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hosmer Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Kreider Lakin Lawson Leake Legan
Levin Liese Long Luetkenhaus Lumpe
May 108 McBride McClelland McLuckie Monaco
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Purgason Ransdall Reinhart
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Secrest Seigfreid Shear Shields Skaggs
Smith Stokan Stoll Stroker Summers
Tate Thomason 163 Townley Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 041

Akin Alter Ballard Barnett 4 Boatright
Broach Carter Cooper Edwards-Pavia Elliott
Enz Fritts Froelker Gaston Graham 106
Green Griesheimer Gross Hoppe Howerton
Johnson Koller Linton Lograsso Loudon
Marble Mays 50 Miller Murphy Nordwald
Patek Pouche Pryor Ridgeway Scott
Sheldon 104 Steen Surface Thompson 37 Treadway
Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Bland Crump Farmer Ford
Goward Hand Hohulin Shelton 57 Troupe

VACANCY: 001

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Tate moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 713**, relating to disposition of a stillborn child, was taken up by Representative Davis (63).

On motion of Representative Davis (63), **HB 713** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Burton Campbell
Carter Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farnen Fitzwater Foley Foster
Fritts Froelker Gaskill Gaston Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Bland Bray 84 Broach Champion
Farmer Ford Franklin Gibbons Goward
Hand Hohulin Kelley 47 Reynolds Shelton 57
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HB 663**, relating to research project awards, was taken up by Representative Stokan.

On motion of Representative Stokan, **HB 663** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Bland Daniels 41 Farmer Ford
Goward Hand Hohulin Shelton 57 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**HB 773**, relating to solar powered vehicles, was taken up by Representative McBride.

On motion of Representative McBride, **HB 773** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bland Chrismer Farmer Ford

Goward Hand Hohulin Lograsso Pryor

Shelton 57 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Alter Backer Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Elliott Enz

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Heckemeyer Hegeman Hickey Holand
Hollingsworth Hoppe Hosmer Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 007

Akin Chrismer Edwards-Pavia Hartzler 124 Hendrickson
Howerton Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Bland Evans Farmer Ford
Goward Hand Hohulin Linton Lograsso
McClelland Pryor Shelton 57 Troupe

VACANCY: 001

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**HB 769**, relating to commercial motor vehicle, was taken up by Representative Relford.

On motion of Representative Relford, **HB 769** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Berkstresser Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Bennett 15 Cooper Hendrickson

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bland Farmer Ford Goward
Hand Hohulin Shelton 57 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fritts, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**HB 783**, relating to organ donations, was taken up by Representative Stoll.

On motion of Representative Stoll, **HB 783** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Loudon Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Linton Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Bland Farmer Ford Goward
Gratz Hand Hohulin Luetkenhaus Shelton 57
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**HB 643**, relating to home health agencies, was taken up by Representative Barry.

On motion of Representative Barry, **HB 643** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Daniel 42

PRESENT: 001

Carter

ABSENT WITH LEAVE: 010

Auer Bland Farmer Ford Goward
Hand Harlan Hohulin Shelton 57 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

**HB 762**, relating to I.D. badges, was taken up by Representative Davis (63).

On motion of Representative Davis (63), **HB 762** was read the third time and passed by the following vote:

AYES: 138

Akin Alter Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Berkstresser Bonner
Boucher Bray 84 Broach Campbell Carter
Champion Chrismer Cierpiot Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Long Loudon
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Toole Ostmann
Overschmidt Parker Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Secrest Seigfreid
Shear Sheldon 104 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Thomason 163 Thompson 37 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 012

Bartelsmeyer Boatright Burton Clayton Elliott
Froelker Lograsso Marble Patek Scott
Surface Tate

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bland Farmer Ford Gaskill
Goward Hand Harlan Hohulin O'Connor
Shelton 57 Troupe

VACANCY: 001

Representative Scheve declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HB 654**, relating to credit card fraud, was taken up by Representative Bray.

Representative Bray moved that **HB 654** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 074

Backer Barry 100 Boucher Bray 84 Campbell
Carter Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Donovan Farnen Fitzwater Foley
Franklin Fritts Gratz Green Hagan-Harrell
Harlan Heckemeyer Hickey Hollingsworth Hoppe
Hosmer Johnson Kauffman Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Luetkenhaus Lumpe May 108

Mays 50 McBride Monaco Murray Overschmidt
Parker Ransdall Relford Reynolds Rizzo
Scheve Schilling Seigfreid Shear Skaggs
Smith Stokan Stoll Stroker Tate
Thomason 163 Thompson 37 Treadway Van Zandt Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 077

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bauer Bennett 15 Berkstresser Boatright Bonner
Broach Burton Champion Chrismer Cierpiot
Crawford Dolan Edwards-Pavia Elliott Enz
Evans Foster Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Griesheimer Gross
Gunn Hall Hartzler 123 Hartzler 124 Hegeman
Hendrickson Holand Howerton Kasten Kelley 47
Kelly 27 Legan Linton Lograsso Long
Loudon Marble McClelland McLuckie Miller
Murphy Naeger Nordwald O'Connor O'Toole
Ostmann Patek Pouche Pryor Purgason
Reinhart Richardson Ridgeway Robirds Ross
Sallee Schwab Scott Secrest Shields
Steen Summers Surface Townley Vogel
Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Bland Dougherty Farmer Ford
Goward Hand Hohulin Sheldon 104 Shelton 57
Troupe

VACANCY: 001

**PERFECTION OF HOUSE BILL**

**HCS HB 528**, relating to weights and measures, was taken up by Representative Wiggins.

Representative Wiggins offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 528, Page 4, Section 413.225, Lines 47 to 51, by deleting all of said lines and inserting in lieu thereof the following: "**(5) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee of ten dollars for each location so registered and a fee of five dollars for each additional device or instrument at such location. Thereafter,**"; and

Further amend said bill, Page 5, Section 413.225, Line 79, by inserting after all of said line the following: "**5. No fee provided for by this section shall be required of any person owning or operating a moisture measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person.**".

On motion of Representative Wiggins, House Amendment No. 1 was adopted.

Representative Wiggins offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 528, Page 5, Section 413.227, Lines 15 and 16, by deleting all of said lines and inserting in lieu thereof the following: "**informal or formal administrative hearing or both.**".

On motion of Representative Wiggins, House Amendment No. 2 was adopted.

Representative Schwab offered House Amendment No. 3.

Representative Wiggins raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Wiggins, **HCS HB 528, as amended,** was adopted.

On motion of Representative Wiggins, **HCS HB 528, as amended,** was ordered perfected and printed.

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to the Committee indicated:

SCR 12 - Environment and Energy

SCR 17 - Federal-State Relations and Veterans Affairs

SCR 19 - Miscellaneous Bills and Resolutions

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 212**, entitled:

An act to repeal section 92.402, RSMo Supp. 1996, relating to transportation sales taxes, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 218**, entitled:

An act to amend section 221.405, RSMo 1994, relating to regional jail districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 249**, entitled:

An act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 331**, entitled:

An act to repeal section 144.062, RSMo 1994, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 357**, entitled:

An act to repeal section 278.080, RSMo Supp. 1996, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1996, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 358**, entitled:

An act to repeal section 210.150, RSMo 1994, relating to the release of records by the division of family services, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 362**, entitled:

An act to repeal sections 104.010, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.420, 104.470, 104,490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 476.480, 476.520, 476.530, 476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.395, 104.410, 104.517, 104.530, 104.800, 476.515 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken

up and passed **SB 389**, entitled:

An act to repeal section 104.035, RSMo 1994, and section 104.110, RSMo Supp. 1996, relating to the highways and transportation employees' and highway patrol retirement system, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 395**, entitled:

An act to repeal section 77.650, RSMo 1994, relating to recall of elected officials, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 398**, entitled:

An act to authorize the governor to convey certain property of Southwest Missouri State University in Green County Missouri, to the city of Springfield.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 408**, entitled:

An act relating to energy costs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 424**, entitled:

An act to authorize the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 437**, entitled:

An act to repeal section 107.170, RSMo Supp. 1996, relating to public works contracts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 468**, entitled:

An act to repeal section 160.522, RSMo 1994, relating to public reporting by school districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

**COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 723, HB 789 and HB 372**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 118**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 753**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 267**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 302**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 509**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and 1,000 copies ordered printed:

**HB 16**, introduced by Representative Lumpe, to appropriate money for capital improvement and economic development projects for the several departments of state government.

The following member's presence was noted: Representative Hohulin.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, April 2, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-fourth Day, Thursday, March 27, 1997, page 814, by inserting after line 20 the following:

**HB 889** - Correctional and State Institutions

**HB 890** - Local Government and Related Matters

**HB 891** - Civil and Administrative Law

Pages 794 and 795, roll call, by showing Representative Purgason voting "no" rather than "yes".

Pages 796 and 797, roll call, by showing Representative Boatright voting "aye" rather than "absent with leave".

Pages 798 and 799, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Page 800, roll call, by showing Representative May (108) voting "aye" rather than "absent with leave".

Page 803, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Page 808, Line 25, by deleting the numeral "9" and inserting in lieu thereof the numeral "93".

**COMMITTEE MEETINGS**

AGRI-BUSINESS

Wednesday, April 2, 1997, 9:30 am. Hearing Room 5. Executive session.

To be considered - SB 179

AGRICULTURE

Thursday, April 3, 1997, 9:30 am. Hearing Rooms 1 & 2. Executive session may follow.

To be considered - SB 216

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 2, 1997, 9:00 am. Hearing Room 8. Executive session.

To be considered - SB 148, SB 128, SB 375

BUDGET

Wednesday, April 2, 1997, 8:30 am. Hearing Room 9. Executive session.

To be considered - HB 13, SB 240, SB 299, SB 340

BUDGET

Wednesday, April 2, 1997. Hearing Room 9 upon morning adjournment.

Possible executive session.

To be considered - HB 13

BUDGET

Thursday, April 3, 1997, 8:30 am. Hearing Room 9. Executive session on

previously heard bills.

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 2, 1997. Hearing Room 1 upon morning adjournment.

To be considered - SB 121, SB 164, SB 19, SB 161, SB 387, SB 197

COMMERCE

Wednesday, April 2, 1997. Hearing Room 8 upon morning adjournment.

Executive session may follow.

To be considered - HB 870, HB 874

JOINT COMMITTEE ON WETLANDS

Monday, April 7, 1997, 11:30 am. Hearing Room 7. Informational meeting.

Various agencies will provide info and updates.

LOCAL GOVERNMENT AND RELATED MATTERS

Wednesday, April 2, 1997. Hearing Room 7 upon morning adjournment.

Executive session may follow. AMENDED NOTICE

To be considered - HB 733, HB 478, HB 831

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 2, 1997, 9:00 am. Hearing Room 7.

To be considered - SB 29, SB 242

PROFESSIONAL REGISTRATION & LICENSING

Thursday, April 3, 1997, 9:00 am. Hearing Room 8.

To be considered - SB 262, SB 320, HB 842, HB 873

RETIREMENT

Wednesday, April 2, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - HB 879, SB 152, SB 255, SB 309

TRANSPORTATION

Wednesday, April 2, 1997, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 67, SB 131

**HOUSE CALENDAR**

FORTY-SIXTH DAY, WEDNESDAY, APRIL 2, 1997

**HOUSE BILL FOR SECOND READING - APPROPRIATIONS**

HB 16 -

**HOUSE BILLS FOR PERFECTION**

1 HB 193 - Auer

2 HCS HB 100 - Williams (121)

3 HCS HB 493 & 39 - Farnen

4 HCS HB 426, 576 & 567 - Luetkenhaus

5 HCS HB 472 - Luetkenhaus

6 HCS HB 738 - Hosmer

7 HB 338 - Gunn

8 HCS HB 369 - Clayton

9 HB 660 - Lumpe

10 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

11 HB 304, HCA 1 - Ransdall

12 HCS HB 276 - Davis (122)

13 HB 766, HCA 1 - Harlan

14 HCS HB 69 & 179 - Hosmer

15 HB 301, HCAs 1 & 2 - Lumpe

16 HB 389, HCA 1 - Luetkenhaus

17 HCS HB 396 - Hosmer

18 HCS HB 146 - Scheve

19 HCS HB 214 - Thomason (163)

20 HCS HB 748 & 605 - McLuckie

21 HB 811, HCA 1 - Lakin

22 HB 373 - Kreider

23 HB 105, HCA 1 - Backer

24 HB 129 - Shear

25 HCS HB 664 - Ross

26 HCS HB 474 - Smith

27 HCS HB 696 - Days

28 HCS HB 451 - Wiggins

29 HB 777 - Hosmer

30 HB 215, HCA 1 & 2 - Dougherty

31 HCS HB 697 - Relford

32 HCS HB 331 - O'Toole

33 HCS HB 349 - Farmer

34 HCS HB 595 - Koller

35 HCS HB 50 - Gratz

36 HCS HB 282 - Kissell

37 HB 232, HCA 1 - Dougherty

38 HCS HB 436 & 260 - Treadway

39 HCS HB 560 - Lakin

40 HB 266 - Stoll

41 HCS HB 206 - Koller

42 HCS HB 641 & 593 - Fitzwater

43 HB 262 - Murray

44 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

45 HCS HB 669 - Stroker

46 HB 513 - Clayton

47 HB 578 - Williams (121)

48 HB 702 - McLuckie

49 HB 376 - Leake

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 495 - Backer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 27, 1997)

1 HB 82 - Champion

2 HB 820 - Sheldon (104)

3 HB 802 - Gratz

4 HB 823 - Lumpe

5 HB 642 - Smith

6 HB 470 - Smith

7 HB 844 - Richardson

8 HB 832 - Hoppe

9 HB 813 - Bartelsmeyer

10 HB 816 - Williams (159)

11 HB 592 - O'Toole

12 HB 348 - Farmer

13 HB 821 - Backer

(April 1, 1997)

14 HB 487 - Parker

15 HB 547 - Gross

16 HB 817 - Hagan-Harrell

17 HB 827 - Hagan-Harrell

18 HB 402 - Naeger

**HOUSE BILL FOR THIRD READING**

HS HCS HB 335 - Harlan

**HOUSE BILLS FOR THIRD READING - CONSENT**

1 HB 540 - Bray

2 HB 526, E.C. - Koller

3 HB 590 - O'Toole

4 HB 659 - Clayton

5 HB 710 - Foley

6 HB 712 - Tate

7 HB 722 - Johnson

8 HB 734 - Bauer

9 HB 749 - Stroker

10 HB 756 - Luetkenhaus

11 HB 771 - Barnett

12 HB 523 - Skaggs

13 HB 340 - Pouche

14 HB 159 - Champion

**SENATE BILLS FOR SECOND READING**

1 SB 212

2 SB 218

3 SB 249

4 SCS SB 331

5 SCS SB 357

6 SB 358

7 SB 362

8 SB 389

9 SB 395

10 SB 398

11 SCS SB 408

12 SB 437

13 SB 424

14 SB 468

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-SIXTH DAY, Wednesday, April 2, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"This is the day the Lord has made, let us rejoice and be glad in it." Psalm 118 and the Easter Liturgy.

Gracious God: We rejoice in the springtime of the year here in Missouri, even as we turn our thoughts to those in the northeast who are still experiencing winter weather. Our Jewish and Christian religious traditions also experience and celebrate that springtime on a deeper spiritual level with the rituals of Easter now and Passover later this month. We pray for all who are burdened by guilt, pain, illnesses, family troubles, or memories of past hurts or days long ago that appear to have been better than things are today.

Renew the spirit of hope and healing love in our hearts, give courage to those who see things as they are and ask why not do it differently or better. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kathy Morton, Jamie Audsley, Adam Hubbard, Rebecca Tillery, Amanda Sandwith, Tiffany Crews, Kendra Butcher, B. J. Green, Ashley Nelvin, Bradley Mull, Angel Smith, Kiri Wise, Chris Hostetter, Ashley Marcum, Clay Samson, Chaz Williams, Josh Vaughn, Amy Toliver, Misty Sisk, Shawn Malter, Earl Roe, Jaime Taylor, Chris Halsey, Derek Hart, Augie Tegtmeyer, Becca Cofer, Megan Riggins, Michelle Downs, Ryan Mueller, Tim McNutt, Alison Busken, Betsy Cannella, Daniel Kukla, Krissy Deschler, Steven Brummond, Jamie Hoberg, Hannah Feltes, Tasha Smith, Nick Macheca, Hannah Miller, Timothy Barnes, James Patrick Bodet and John Lothman.

The Journal of the forty-fifth day was approved as corrected.

**RESOLUTIONS**

Representative DeMarce offered House Resolution No. 494, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Loudon offered House Resolution Nos. 495 and 496, which were referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 497.

Representative Marble offered House Resolution No. 498, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Nordwald offered House Resolution No. 499, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 500, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 16** was read the second time.

**SECOND READING OF SENATE BILLS**

**SB 212, SB 218, SB 249, SCS SB 331, SCS SB 357, SB 358, SB 362, SB 389, SB 395, SB 398, SCS SB 408, SB 424, SB 437 and SB 468** were read the second time.

Speaker Pro Tem Kreider assumed the Chair.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 540**, relating to guardianship, was taken up by Representative Bray.

On motion of Representative Bray, **HB 540** was read the third time and passed by the following vote:

AYES: 152

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 002

Hall Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 008

Akin Daniel 42 Ford Goward Hand
Hartzler 123 Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**HB 526**, relating to campaign financial disclosures, was taken up by Representative Koller.

On motion of Representative Koller, **HB 526** was read the third time and passed by the following vote:

AYES: 152

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 002

Hartzler 124 Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 008

Akin Daniel 42 Farmer Ford Goward
Hand Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Cierpiot Clayton Cooper
Copeland Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Gaskill
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Heckemeyer Hendrickson Hickey Hollingsworth
Hoppe Hosmer Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Long Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Purgason Ransdall
Relford Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Shelton 57 Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 026

Akin Bartelsmeyer Berkstresser Boatright Chrismer
Crawford Edwards-Pavia Enz Froelker Gaston
Gross Hartzler 124 Hegeman Hohulin Holand
Howerton Lograsso Loudon Patek Pouche

Pryor Reinhart Reynolds Ridgeway Shields
Steen

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel 42 Ford Goward Hand Sheldon 104
Troupe

VACANCY: 001

On motion of Representative Days, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 590**, relating to firemen's retirement, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HB 590** was read the third time and passed by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Cierpiot Clayton Cooper
Copeland Crawford Crump Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Heckemeyer Hegeman Hendrickson Hickey Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller

Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Pouche
Purgason Ransdall Reinhart Relford Reynolds
Richardson Rizzo Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 018

Bartelsmeyer Berkstresser Bland Boatright Chrismer
Fritts Hall Hartzler 124 Hohulin Holand
Kauffman Murphy Patek Pryor Ridgeway
Robirds Steen Townley

PRESENT: 000

ABSENT WITH LEAVE: 006

Daniel 42 Ford Goward Hand Sheldon 104
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Foley, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HB 659**, relating to county administrative fee, was taken up by Representative Clayton.

On motion of Representative Clayton, **HB 659** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Heckemeyer Hegeman Hendrickson Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 002

Hartzler 124 Patek

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel 42 Daniels 41 Ford Goward Hand
Hickey Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**HB 710**, relating to fourth class cities, was taken up by Representative Foley.

On motion of Representative Foley, **HB 710** was read the third time and passed by the following vote:

AYES: 141

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Berkstresser Bland
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Clayton
Cooper Copeland Crawford Crump Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Shelton 57
Skaggs Smith Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 010

Bennett 15 Boatright Cierpiot Gross Hegeman
Hohulin Ostmann Patek Ridgeway Steen

PRESENT: 000

ABSENT WITH LEAVE: 011

Barry 100 Daniel 42 Daniels 41 Ford Goward
Hand Heckemeyer Lograsso Sheldon 104 Shields
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Farmer moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HB 712**, relating to absentee ballots, was taken up by Representative Tate.

On motion of Representative Tate, **HB 712** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Long Loudon Luetkenhaus Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer Campbell Daniel 42 Daniels 41 Ford
Goward Hand Hosmer Lograsso Lumpe
Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Harlan, title to the bill was agreed to.

Representative Heckemeyer moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

**HB 722**, relating to property lease in St. Francois County, was taken up by Representative Johnson.

On motion of Representative Johnson, **HB 722** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel 42 Edwards-Pavia Ford Goward Hand
Kelley 47 Lograsso Shear Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**HB 734**, relating to general municipal election day, was taken up by Representative Bauer.

On motion of Representative Bauer, **HB 734** was read the third time and passed by the following vote:

AYES: 145

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Carter Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek

Pouche Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Seigfreid Shear Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 008

Akin Bennett 15 Campbell Hohulin Linton
Pryor Purgason Steen

PRESENT: 000

ABSENT WITH LEAVE: 009

Champion Daniel 42 Ford Goward Hand
Lograsso Secrest Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**HB 749**, relating to codification of ordinances, was taken up by Representative Stroker.

On motion of Representative Stroker, **HB 749** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer Daniel 42 Ford Goward Green

Hand Kasten McLuckie Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Luetkenhaus, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative May (50) moved that motion lay on the table.

The latter motion prevailed.

**HB 756**, relating to security guards, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HB 756** was read the third time and passed by the following vote:

AYES: 130

Akin Alter Auer Backer Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Bray 84 Broach
Burton Campbell Champion Chrismer Cierpiot
Clayton Cooper Copeland Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Farmer Farnen Fitzwater Foley Franklin
Fritts Froelker Gaskill Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Heckemeyer Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Linton
Long Luetkenhaus Lumpe May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Ransdall
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Shelton 57
Shields Skaggs Smith Stokan Stoll
Stroker Surface Tate Thomason 163 Thompson 37
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 025

Ballard Boatright Crawford Enz Evans
Foster Gaston Gibbons Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Lograsso Loudon
Marble Nordwald Patek Pryor Purgason

Reinhart Ridgeway Steen Summers Townley

PRESENT: 001

Carter

ABSENT WITH LEAVE: 006

Ford Goward Hand Liese Sheldon 104
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**HB 771**, relating to county equalization board, was taken up by Representative Barnett.

On motion of Representative Barnett, **HB 771** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Champion Ford Goward Hand Sheldon 104

Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HB 523**, relating to road districts, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **HB 523** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Ford Goward Hand Pryor Sheldon 104
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HB 340**, relating to sewer districts, was taken up by Representative Pouche.

On motion of Representative Pouche, **HB 340** was read the third time and passed by the following vote:

AYES: 128

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Burton Champion Chrismer Cierpiot Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Dolan Donovan Dougherty Edwards-Pavia
Elliott Evans Farmer Farnen Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 106 Gratz Green Griesheimer
Gross Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kauffman Kelley 47 Kennedy Kissell
Koller Lakin Lawson Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shelton 57 Shields Skaggs
Steen Stoll Stroker Surface Tate
Thomason 163 Thompson 37 Treadway Van Zandt Vogel

Wannenmacher Williams 121 Wooten

NOES: 025

Campbell Carter Clayton Davis 122 Days
DeMarce Fitzwater Foley Graham 24 Gunn
Hagan-Harrell Kelly 27 Kreider Leake Murray
Nordwald Shear Smith Stokan Summers
Townley Wiggins Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartelsmeyer Broach Enz Ford Goward
Hand Kasten Sheldon 104 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Shear, title to the bill was agreed to.

Representative Skaggs moved that the vote by which the bill passed be reconsidered.

Representative Tate moved that motion lay on the table.

The latter motion prevailed.

**HB 159**, relating to sewer districts, was taken up by Representative Champion.

On motion of Representative Champion, **HB 159** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kauffman
Kelley 47 Kelly 27 Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartelsmeyer Ford Goward Hand Kasten
Kennedy Lograsso Murphy Pryor Sheldon 104
Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Thomason (163), title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILL**

**HB 193**, relating to insurance company investments, was taken up by Representative Auer.

Representative Skaggs offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 193, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the following: "sections 375.786 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the following: "three"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 375.786 and 379.080, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 375.786, 379.080 and 379.083, to read as follows:

375.786. 1. It shall be unlawful for any insurance company to transact insurance business in this state, as set forth in subsection 2, without a certificate of authority from the director; provided, however, that this section shall not apply to:

(1) The lawful transaction of insurance as provided in chapter 384, RSMo;

(2) The lawful transaction of reinsurance by insurance companies;

(3) Transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy;

(4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses;

(5) Transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurance company was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs;

(6) Transactions in this state involving any policy of insurance or annuity contract issued prior to August 13, 1972;

(7) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy;

(8) Except as provided in chapter 384, RSMo, transactions in this state involving contracts of insurance issued to one or more industrial insureds; provided that nothing herein shall relieve an industrial insured from taxation imposed upon independently procured insurance. An "industrial insured" is hereby defined as an insured:

(a) Which procures the insurance of any risk or risks other than life, health and annuity contracts by use of the services of a full-time employee acting as an insurance manager or buyer or the services of a regularly and continuously retained qualified insurance consultant;

(b) Whose aggregate annual premiums for insurance excluding workers' compensation insurance premiums total at least twenty-five thousand dollars; and

(c) Which has at least twenty-five full-time employees;

(9) Transactions in this state involving life insurance, health insurance or annuities provided to educational or religious or charitable institutions organized and operated without profit to any private shareholder or individual for the benefit of such institutions and individuals engaged in the service of such institutions, provided that any company issuing such contracts [under] **pursuant to** this paragraph **shall not be subject to any guarantee fund assessments by its state of domicile, and** shall:

(a) File a copy of any policy or contract issued to Missouri residents with the director;

(b) File a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, with the director; and

(c) Provide, in such form as may be acceptable to the director, for the appointment of the director as its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against such company arising out of any policy or contract it has issued to, or which is currently held by, a Missouri citizen, and process so served against such company shall have the same form and validity as if served upon the company.

2. Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurance company is deemed to constitute the transaction of an insurance business in this state: (The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurance company" as used in sections 375.786 to 375.790 includes all corporations, associations, partnerships and individuals engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies.)

(1) The making of or proposing to make an insurance contract;

(2) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety;

(3) The taking or receiving of any application for insurance;

(4) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof;

(5) The issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state;

(6) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurance company in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurance company in the transaction of insurance with respect to subjects of insurance resident, located or to be performed in this state. The provisions of this subsection shall not operate to prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of such employer;

(7) The transaction of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance;

(8) The transacting or proposing to transact any insurance business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

3. (1) The failure of an insurance company transacting insurance business in this state to obtain a certificate of authority shall not impair the validity of any act or contract of such insurance company and shall not prevent

such insurance company from defending any action at law or suit in equity in any court of this state, but no insurance company transacting insurance business in this state without a certificate of authority shall be permitted to maintain an action in any court of this state to enforce any right, claim or demand arising out of the transaction of such business until such insurance company shall have obtained a certificate of authority.

(2) In the event of failure of any such unauthorized insurance company to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

4. Any person who transacts insurance business without a certificate of authority, as provided in this section, is guilty of a class C felony.".

On motion of Representative Skaggs, House Amendment No. 1 was adopted.

On motion of Representative Auer, **HB 193, as amended,** was ordered perfected and printed.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

**RESOLUTIONS**

Representative Purgason offered House Resolution Nos. 501 and 502, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Smith offered House Resolution No. 503, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution No. 504, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Bennett and Gross offered House Resolution Nos. 505 through 511, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 18** and **HB 339**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HS HCS HB 335** - Budget (Fiscal Note)

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 154

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Troupe Van Zandt Vogel Wannenmacher Williams 121
Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 008

Bland Daniels 41 Hand Holand Rizzo
Steen Treadway Wiggins

VACANCY: 001

**PERFECTION OF HOUSE BILL - INFORMAL CALENDAR**

**HCS HB 495**, relating to lobbying, campaign, and ethics reform, was taken up by Representative Backer.

Representative Backer offered **HS HCS HB 495**.

Representative Backer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 4, Section 105.450, Line 10, by deleting the words "paragraph (b)" and inserting in lieu thereof the words "paragraphs (a) through (h)"

On motion of Representative Backer, House Amendment No.1 was adopted.

Representative Backer offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 61, Section 105.957, by inserting after line 2, the following:

**"105.958. 1. The Missouri ethics commission shall notify each person whose name has been submitted to the commission by the designating agency as a designated decision-making public servant and who has been informed by the agency of such designation. The commission shall send written notification by postcard at least ninety days before the required filing date of a financial interest statement pursuant to subdivision (12) of section 105.483.**

**2. If the designating agency failed to notify a person that their name has been submitted to the commission by the designating agency as a designated decision-making public servant, then the designating agency shall be responsible for any late filing fees assessed by the commission."**

On motion of Representative Backer, House Amendment No. 2 was adopted.

Representative Lograsso offered House Amendment No. 3.

House Amendment No. 3 was withdrawn.

Representative Backer offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, page 41, Section 105.492, by:

deleting said lines and replacing them as follows:

"2. If a candidate for office does not file a financial interest statement by the [fifty-fifth] **close of business on the twenty-fifth** day after the last day for filing for election for which [he] **the person** is a candidate, the commission shall [instruct the secretary of state to strike the candidate's name from the ballot or shall instruct the appropriate election authority to strike or otherwise eradicate the candidate's name from the ballot.] **notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.**

On motion of Representative Backer, House Amendment No. 3 was adopted.

Representative Smith offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 188, Section 1, Line 21, by adding after the period, the following new section:

**"Section 2. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule of set of rules beyond that date to a date specified by the General Assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.**

**5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act."**

On motion of Representative Smith, House Amendment No. 4 was adopted.

Representative Lograsso offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 151, Section 130.046, Line 2, by deleting the word "fifteenth" and inserting the word "seventh".

On motion of Representative Lograsso, House Amendment No. 5 was adopted.

Representative Long offered House Amendment No. 6.

*House Amendment No.* 6

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 30, Section 105.473, Lines 16 to 19 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**registered pursuant to this section. Any person who knowingly violates**"; and

Further amend said bill, Page 30, Section 105.473, Line 21 of said page, by deleting the word "**five**" and inserting in lieu thereof the word "**ten**"; and

Further amend said bill, Page 31, Section 105.473, Lines 7 to 12 of said page, by deleting all of said lines; and

Further amend said bill, Page 31, Section 105.473, Line 13 of said page, by deleting the number "**11.**" and inserting in lieu thereof the number "**10.**"; and

Further amend said bill, Page 32, Section 105.473, Line 2 of said page, by deleting the number "**12.**" and inserting in lieu thereof the number "**11.**"; and

Further amend said bill, Page 32, Section 105.473, Line 5 of said page, by deleting the number "**13.**" and inserting in lieu thereof the number "**12.**".

On motion of Representative Long, House Amendment No. 6 was adopted.

Representative Kauffman offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 100, Section 130.016 by: inserting at the end of line 16, the following:

**Each candidate described in subsection one of this section, who files a statement of exemption, shall file a statement of limited activity for each reporting period, described in section 130.046.**

On motion of Representative Kauffman, House Amendment No. 7 was adopted.

Representative Gross offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 32, Section 105.473, Line 10, by inserting after the period the following new subsection:

**"14. No state employee who is registered as a lobbyist for any state department, division, agency, commission or the judiciary may lobby for any other principal. No state employee who is registered as a lobbyist for any state department, division, agency, commission or the judiciary shall spend money donated to any association, organization, group or collection of individuals to influence the general assembly, executive or the judicial branch of government."**

On motion of Representative Gross, House Amendment No. 8 was adopted.

Representative Wannenmacher offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 188, Section 1, Line 21, by inserting after said line the following:

**"Section 2. No lobbyist or lobbyist principal shall provide one or more expenditures to any one public official or a staff member, employee, spouse or dependent child of that public official in the aggregate of more than fifty dollars per event or one hundred dollars per calendar year.**

**Section 3. The per diem for members of the Missouri General Assembly shall be seventy dollars."; and**

Amend the title and enacting clause accordingly.

Representative Crump offered House Substitute Amendment No. 1 for House Amendment No. 9.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 32, Section 105.473, Line 10, by inserting after the period the following new subsection:

**"14. Each chamber of the general assembly shall establish by rule guidelines regarding lobbyist expenditures for members and staff.**

On motion of Representative Crump, House Substitute Amendment No. 1 for House Amendment No. 9 was adopted.

Representative Van Zandt offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 121, Section 130.031, Line 18 of said page, by deleting the words "**any financial incentive, which includes**"; and

Further amend said section, Page 121, Line 19 of said page by deleting the first comma on said line.

On motion of Representative Van Zandt, House Amendment No. 10 was adopted.

Speaker Gaw resumed the Chair.

Representative McLuckie offered House Amendment No. 11.

House Amendment No. 11 was withdrawn.

Speaker Pro Tem Kreider resumed the Chair.

Representative Graham (24) offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 137, Section 130.041(3)(a), Line 14, by inserting between the words "shall" and "**report**" the following "**make a reasonable effort to obtain and**".

On motion of Representative Graham (24), House Amendment No. 11 was adopted.

Representative McBride offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 135, Section 130.038, Line 1, by deleting said section; and

Amend the title and enacting clause accordingly.

Representative McBride moved that House Amendment No. 12 be adopted.

Which motion was defeated by the following vote:

AYES: 049

Ballard Barnett 4 Barry 100 Boatright Boucher
Burton Campbell Champion Crawford Davis 122
DeMarce Elliott Fitzwater Foster Franklin
Heckemeyer Hegeman Hollingsworth Hosmer Howerton
Kelly 27 Kissell Lakin Lawson Levin
Linton Marble McBride Overschmidt Parker
Patek Ransdall Relford Richardson Rizzo
Robirds Schilling Scott Secrest Shear
Shields Summers Surface Tate Thomason 163
Treadway Wiggins Williams 159 Wilson

NOES: 104

Akin Alter Auer Backer Bartelsmeyer
Bauer Berkstresser Bland Bonner Bray 84
Broach Carter Chrismer Cierpiot Clayton
Cooper Copeland Crump Daniel 42 Daniels 41
Davis 63 Days Dolan Donovan Dougherty
Edwards-Pavia Enz Evans Farmer Farnen
Foley Ford Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Hendrickson
Hickey Hohulin Holand Hoppe Johnson
Kasten Kauffman Kelley 47 Kennedy Kreider
Legan Liese Lograsso Long Loudon
Luetkenhaus May 108 Mays 50 McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Pouche
Pryor Purgason Reinhart Reynolds Ridgeway
Ross Sallee Scheve Schwab Sheldon 104
Shelton 57 Skaggs Smith Steen Stokan
Stoll Stroker Townley Van Zandt Vogel
Wannenmacher Williams 121 Wooten Mr. Speaker

PRESENT: 001

Troupe

ABSENT WITH LEAVE: 008

Bennett 15 Goward Hand Koller Leake

Lumpe Seigfreid Thompson 37

VACANCY: 001

Representative Scheve assumed the Chair.

Representative Green offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 188, by adding a new section after line 21 stating as follows:

"The provisions of this act shall be summarized and provided by the ethics commission to all candidates and elected officials covered by these sections for purposes of full explanation and compliance."

Further amend the title and enacting clause accordingly.

On motion of Representative Green, House Amendment No. 13 was adopted.

Representative Ridgeway offered House Amendment No. 14.

*House Amendment No. 14*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 34, Section 105.477, Line 11, by adding after the word "requests.", the following:

Priority shall be given to public requests for reports identifying lobbyist or lobbyist principals expenditures per individual legislator.

On motion of Representative Ridgeway, House Amendment No. 14 was adopted.

Representative Lograsso offered House Amendment No. 15.

*House Amendment No. 15*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 188, Section 1, Line 21, by adding the words:

**"Except that for contributions received during the thirty day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution."**

On motion of Representative Lograsso, House Amendment No. 15 was adopted.

Representative Gross offered House Amendment No. 16.

*House Amendment No. 16*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 26, Section 105.473, Line 12 of said page, by inserting immediately after the word "**perjury,**" the following:

"**along with a filing fee of ten dollars,**"; and

Further amend said bill, Page 26, Section 105.473, Line 21, by inserting immediately after the word "**representation.**" the following: "**The filing fee shall be deposited to the general revenue fund of the state.**".

On motion of Representative Gross, House Amendment No. 16 was adopted.

Representative Hoppe offered House Amendment No. 17.

*House Amendment No. 17*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 17, Section 105.470, Line 1, by inserting after the word "official", the following, "**except for judges**"

On motion of Representative Hoppe, House Amendment No. 17 was adopted.

Representative Shields offered House Amendment No. 18.

*House Amendment No. 18*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 188, Section 1, Line 21, by adding at the end of said line one new section:

Section B. Section 115.646, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 115.646, to read as follows:

115.646. **1.** No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of **the state of Missouri or** any political subdivision **of the state** to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of **this state or of** a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

Further amend said bill by amending the enacting clause accordingly.

On motion of Representative Shields , House Amendment No. 18 was adopted.

On motion of Representative Backer, **HS HCS HB 495, as amended,** was adopted.

On motion of Representative Backer, **HS HCS HB 495, as amended,** was ordered perfected and printed.

**PERFECTION OF HOUSE BILL**

**HCS HB 100**, relating to seat belts and riding in open trucks, was taken up by Representative Williams (121).

Representative Williams (121) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 100, Page 1, Section 307.178, Line 15, by deleting the

word "No" and inserting in lieu thereof the following: "[No"; and

Further amend said bill, Page 2, Section 307.178, Line 17, by deleting the words "subsection. The" and inserting in lieu thereof the following: "subsection.] The"; and

Further amend said bill, Page 2, Section 307.178, Line 20, by inserting immediately after the word "**property.**" the following: "**Probable cause for a violation of this subsection shall be based solely upon a law enforcement officer's clear and unobstructed view of any person not restrained as required by this subsection. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.**"; and

Further amend said bill, Page 2, Section 307.178, Line 37, by inserting immediately after the word "section." the following: "**All moneys collected from fines imposed pursuant to this subsection shall be distributed to the schools of this state in accordance with section 7 of article IX of the Missouri Constitution.**".

Speaker Pro Tem Kreider resumed the Chair.

Representative Monaco offered House Substitute Amendment No. 1 for House Amendment No. 1.

Representative Bennett requested a division of the question.

House Substitute Amendment No. 1 for House Amendment No. 1 was withdrawn.

Representative Hosmer offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 100, Page 1, Section 307.178, Line 15, by deleting the word "No" and inserting in lieu thereof the following: "[No; and

Further amend said bill, Page 2, Section 307.178, Line 17, by deleting the words "subsection. The" and inserting in lieu thereof the following: "subsection.] The"; and

Further amend said bill, page 2, Section 307.178, Line 20, by inserting immediately after the word "property" the following:

"Probable cause for a violation of this subsection shall be based solely upon a law enforcement officer's clear and unobstructed view of any person not restrained in the front seat as required by this subsection. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law."

The provision regarding primary enforcement shall expire on August 28, 2000.

Further amend said bill, Page 2, Section 307.178, Line 37, by inserting immediately after the word "section." the following: "**All moneys collected from fines imposed pursuant to this subsection shall be distributed to the schools of this state in accordance with section 7 of article IX of the Missouri Constitution.**".

Representative Hosmer moved that House Substitute Amendment No. 1 for House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 033

Akin Barnett 4 Bland Boucher Bray 84
Campbell Carter Davis 122 Days Donovan
Dougherty Farmer Franklin Hagan-Harrell Holand
Hosmer Kasten Kauffman Kissell Lakin
Legan Lumpe May 108 McClelland McLuckie
Monaco Scheve Schilling Shear Troupe
Williams 121 Wilson Mr. Speaker

NOES: 116

Alter Auer Backer Ballard Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright
Bonner Broach Burton Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Davis 63 DeMarce Dolan Edwards-Pavia Elliott
Enz Evans Farnen Fitzwater Foley
Ford Foster Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Hollingsworth Hoppe
Howerton Johnson Kelley 47 Kelly 27 Kennedy
Kreider Lawson Levin Liese Linton
Lograsso Loudon Luetkenhaus Marble Miller
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 159
Wooten

PRESENT: 000

ABSENT WITH LEAVE: 013

Crump Daniel 42 Daniels 41 Goward Hand

Koller Leake Long Mays 50 McBride

Ransdall Reynolds Thompson 37

VACANCY: 001

House Amendment No. 1 was withdrawn.

**HCS HB 100** was laid over.

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510** and **511**, begs leave to report it has examined the same and recommends that they **Do Pass**.

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HJR 14**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 850**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 787**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 831**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 479, HB 430, HB 218, HB 136, HB 599, HB 715, HB 708** and **HB 839**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 285, HB 73, HB 380** and **HB 466**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 459**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 423**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment**

**No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 423, Page 1, Section 302.341, Line 2, by deleting all of said line and inserting in lieu thereof the following: "any county or municipality of this state with a population of at least [one thousand] **five hundred** fails to".

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 724**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 635**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 47**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 106**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 320**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HB 422**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The following House Concurrent Resolutions were referred to the Committee indicated:

**HCR 30** - Education - Elementary and Secondary

**HCR 29** - Transportation

**HCR 28** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 16** - Budget

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 133** - Criminal Law

**SB 171** - Judiciary

**SB 316** - Local Government and Related Matters

**SB 368** - Critical Issues

**SB 371** - Local Government and Related Matters

**SB 373** - Public Health and Safety

**SB 402** - Public Health and Safety

**SB 410** - Consumer Protection

**SB 416** - Correctional and State Institutions

**SB 437** - Local Government and Related Matters

**SB 424** - Correctional and State Institutions

**SB 249** - Civil and Administrative Law

**SB 468** - Education - Elementary and Secondary

**SB 408** - Environment and Energy

**SB 212** - Urban Affairs

**SB 218** - Correctional and State Institutions

**SB 331** - Ways and Means

**SB 357** - Agriculture

**SB 362** - Retirement

**SB 389** - Retirement

**SB 395** - Local Government and Related Matters

**SCS SB 140** - Transportation

**SCS SB 265** - Civil and Administrative Law

**SB 315** - Education - Elementary and Secondary

**SB 398** - Correctional and State Institutions

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 187**, entitled:

An act to repeal section 168.021, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 459**, entitled:

An act to repeal sections 2.040 and 2.050, RSMo 1994, relating to session laws, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

**MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE

State of Missouri

TO THE CHIEF CLERK OF THE

HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

89TH GENERAL ASSEMBLY

STATE OF MISSOURI

Herewith I return to you House Bill No. 211 entitled:

"AN ACT"

To repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, 266.220, 276.401, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.115, 411.131, 411.180, 411.260, 411.261, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.471, 411.517, 411.518 and 411.519, RSMo 1994, and sections 266.195, 411.026 and 411.070, RSMo Supp. 1996, relating to agricultural products, and to enact in lieu thereof forty-nine new sections relating to the same subject, with penalty provisions, an emergency clause and an effective date for certain sections.

On April 2, 1997, I approved said House Bill No. 211.

Respectfully submitted

/s/ Mel Carnahan

Governor

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, April 3, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-fifth Day, Tuesday, April 1, 1997, pages 823 and 824, roll call, by showing Representative Enz voting "present" rather than "absent with leave".

Pages 831 and 832, roll call, by showing Representative Gratz voting "aye" rather than "absent with leave".

Page 833, roll call, by showing Representatives Ridgeway and Howerton voting "aye" rather than "absent with leave".

Page 834, roll call, by showing Representative Kelley (47) voting "aye" rather than "absent with leave".

Page 837, roll call, by showing Representatives Broach, Reynolds, and Franklin voting "aye" rather than "absent with leave".

Pages 839 and 840, roll call, by showing Representative McClelland voting "aye" rather than "absent with leave".

Pages 841 and 842, roll call, by showing Representatives Luetkenhaus and Gratz voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

AGRICULTURE

Thursday, April 3, 1997, 9:30 am. Hearing Rooms 1 & 2. Executive session may follow.

To be considered - SB 216

BUDGET

Thursday, April 3, 1997, 8:30 am. Hearing Room 9. Executive session on

previously heard bills. AMENDED

To be considered - HCR 21

CONSUMER PROTECTION

Thursday, April 3, 1997, 9:00 am. Side gallery. CANCELLED

To be considered - Executive Session - HB 834

CORRECTIONAL & STATE INSTITUTIONS

Thursday, April 3, 1997, 9:30 am. Side chamber. Exective session.

CRITICAL ISSUES

Monday, April 7, 1997, 8:00 pm. Hearing Room 7.

To be considered - HB 822, HB 824

ENVIRONMENT AND ENERGY

Monday, April 7, 1997, 2:00 pm. Hearing Room 8.

To be considered - SB 342, SB 72

JOINT COMMITTEE ON WETLANDS

Monday, April 7, 1997, 11:30 am. Hearing Room 7. Informational meeting.

Various agencies will provide info and updates.

LOCAL GOVERNMENT AND RELATED MATTERS

Thursday, April 3, 1997. Side gallery upon adjournment. Executive session.

PROFESSIONAL REGISTRATION & LICENSING

Thursday, April 3, 1997, 9:00 am. Hearing Room 8.

To be considered - SB 262, SB 320, HB 842, HB 873

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, April 3, 1997, 8:30 am. Hearing Room 7. Executive session.

AMENDED NOTICE

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, April 7, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 70, SB 119, SB 155

URBAN AFFAIRS

Tuesday, April 8, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - HB 887

UTILITIES REGULATION

Thursday, April 3, 1997, 8:00 am. Hearing Room 5

To be considered - HCR 24, HB 801, SB 333

**HOUSE CALENDAR**

FORTY-SEVENTH DAY, THURSDAY, APRIL 3, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 100 - Williams (121)

2 HCS HB 493 & 39 - Farnen

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HCS HB 472 - Luetkenhaus

5 HCS HB 738 - Hosmer

6 HB 338 - Gunn

7 HCS HB 369 - Clayton

8 HB 660 - Lumpe

9 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

10 HB 304, HCA 1 - Ransdall

11 HCS HB 276 - Davis (122)

12 HB 766, HCA 1 - Harlan

13 HCS HB 69 & 179 - Hosmer

14 HB 301, HCAs 1 & 2 - Lumpe

15 HB 389, HCA 1 - Luetkenhaus

16 HCS HB 396 - Hosmer

17 HCS HB 146 - Scheve

18 HCS HB 214 - Thomason (163)

19 HCS HB 748 & 605 - McLuckie

20 HB 811, HCA 1 - Lakin

21 HB 373 - Kreider

22 HB 105, HCA 1 - Backer

23 HB 129 - Shear

24 HCS HB 664 - Ross

25 HCS HB 474 - Smith

26 HCS HB 696 - Days

27 HCS HB 451 - Wiggins

28 HB 777 - Hosmer

29 HB 215, HCA 1 & 2 - Dougherty

30 HCS HB 697 - Relford

31 HCS HB 331 - O'Toole

32 HCS HB 349 - Farmer

33 HCS HB 595 - Koller

34 HCS HB 50 - Gratz

35 HCS HB 282 - Kissell

36 HB 232, HCA 1 - Dougherty

37 HCS HB 436 & 260 - Treadway

38 HCS HB 560 - Lakin

39 HB 266 - Stoll

40 HCS HB 206 - Koller

41 HCS HB 641 & 593 - Fitzwater

42 HB 262 - Murray

43 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

44 HCS HB 669 - Stroker

45 HB 513 - Clayton

46 HB 578 - Williams (121)

47 HB 702 - McLuckie

48 HB 376 - Leake

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 27, 1997)

1 HB 82 - Champion

2 HB 820 - Sheldon (104)

3 HB 802 - Gratz

4 HB 823 - Lumpe

5 HB 642 - Smith

6 HB 470 - Smith

7 HB 844 - Richardson

8 HB 832 - Hoppe

9 HB 813 - Bartelsmeyer

10 HB 816 - Williams (159)

11 HB 592 - O'Toole

12 HB 348 - Farmer

13 HB 821 - Backer

(April 1, 1997)

14 HB 487 - Parker

15 HB 547 - Gross

16 HB 817 - Hagan-Harrell

17 HB 827 - Hagan-Harrell

18 HB 402 - Naeger

(April 3, 1997)

19 HB 787 - Barry

20 HB 831 - Griesheimer

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HJR 18 - Harlan

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 335, (Budget Fiscal 4-2-97) - Harlan

HB 339 - Kreider

HCS HB 600 & 388, E.C. - Carter

HCS HB 528 - Wiggins

**SENATE BILLS FOR SECOND READING**

SB 187

SB 459

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

**COURTESY RESOLUTIONS**

HR 467, and 468 - Seigfreid

HR 469 - Vogel

HR 470 - Kelley (47)

HR 471 - Riback Wilson

HR 472 - Enz

HR 473 - Evans

HR 474 - Hollingsworth

HR 475 - Murphy

HR 476 - Williams (121)

HR 477 - Patek

HR 478 - Hollingsworth

HR 479 - Gratz

HR 480 - Shields

HR 481 - Harlan

HR 482 - Secrest

HR 483 - Boucher

HR 484 - Gunn

HR 485 - Ross

HR 486 - Lawson

HR 487 - Bartelsmeyer

HR 488 - Patek

HR 489, and 490 - Marble

HR 491, and 492 - Griesheimer

HR 493 - Patek

HR 494 - DeMarce

HR 495, and 496 - Loudon

HR 498 - Marble

HR 499 - Nordwald

HR 500 - Williams (121)

HR 501, and 502 - Purgason

HR 503 - Smith

HR 504 - Hartzler (124)

HR 505, through 511 - Bennett

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-SEVENTH DAY, Thursday, April 3, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Creator God, we come today with thanksgiving for the warmth of spring and the freshness of rain.

We come to the end of this week with mixed feelings - feelings of satisfaction for things accomplished; feelings of frustration for things left undone or projects defeated; feelings of weariness from long, hard days; and feelings of anticipation in looking forward to a few days home with family and friends.

As these representatives travel this weekend, keep them safe. Give them good nights' sleep. Refresh their spirits and their bodies so that when they return they can once again tackle the responsibilities placed in their hands by the people of Missouri.

Grant them peace of mind, O God, in knowing that they have performed their job to the best of their ability. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Thomas Kiphart, Kyle Gaffney, Stephanie Grieve, Joe Braasch, Sarah Tedrow, Steven Yanda, Corey Henry, Elizabeth Beardslee, Joshua Beardslee, Sarah Riley-Land, Katie Dillingham, Kelly O'Brien, Eric Neibhors, Ayten Kerimova, Anna Belova, Anna Klokova, Anna Larkina, Natasha Makarova, Luda Milashenko, Arkadiy Vershebunyuk, Tatyana Zadorozhnaya, Ben Pernet, Sebastien Boudet, Emilio Zucca, Johanna Juvonen, Valerina Daniel, Elvymel Suarez, Frank Vanney, Megan Marie Gross, Madelynn Ann Gross, Drew Whitehall, Kevin Bamber, Jennifer Jett, Taylor Bragg, Lauren Keil, Reba Anderson and Katie Dillingham.

The Journal of the forty-sixth day was approved as corrected.

**RESOLUTIONS**

Representative O'Toole offered House Resolution No. 512, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution No. 513, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives McClelland and Gibbons offered House Resolution No. 514, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Long offered House Resolution No. 515, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution Nos. 516 and 521, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 522, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Akin offered House Resolution No. 523, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McBride offered House Resolution No. 524, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative O'Toole offered House Resolution No. 525, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 526, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF SENATE BILLS**

**SB 187** and **SB 459** were read the second time.

**COURTESY RESOLUTIONS**

House Resolution Nos. 467 through 496 and 498 through 505 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 467 through 496 and 498 through 505 were adopted.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 528** and **HCS HBs 600 and 388**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 193**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Speaker Pro Tem Kreider assumed the Chair.

**PERFECTION OF HOUSE BILLS**

**HCS HB 100**, relating to seat belts and riding in open trucks, was again taken up by Representative Williams (121).

Representative Fritts offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 100, Page 1, Section 307.178, Line 6, by deleting all of line 6 and inserting in lieu thereof the following: "**trucks with a licensed gross weight of twelve thousand pounds or more**"; and

Further amend said bill, Page 2, Section 1, Line 44, by deleting after the word "RSMo," the words: "with a gross weight of twelve thousand pounds or less," and insert in lieu thereof the following: "**with a licensed gross weight of less than twelve thousand pounds**,"; and

Further amend said bill, Page 2, Section 1, Line 48 and 49, by deleting after the word "with" the words: "a gross weight of twelve thousands pounds or less" and insert in lieu thereof the following phrase: "**a licensed gross weight of less than twelve thousand pounds**"; and

Further amend said bill, Page 2, Section 307.178, Line 20, by deleting after the word "activities" the words [on agricultural property]

Representative Shields offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Amendment No. 1, House Bill No. 100, Page 1, Section 307.178, Line 6, by adding a period after the word "trucks"; and

Further amend said bill by deleting the remainder of line 6.

Representative Shields moved that House Substitute Amendment No. 1 for House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 065

Ballard Bartelsmeyer Bennett 15 Berkstresser Boatright

Broach Burton Chrismer Cierpiot Clayton

Copeland Crawford DeMarce Edwards-Pavia Elliott

Evans Foley Foster Froelker Gaskill

Gaston Graham 106 Gratz Hartzler 124 Heckemeyer

Hegeman Hohulin Howerton Johnson Kelly 27

Koller Kreider Lawson Leake Legan

Lograsso Long McBride Miller Naeger

Overschmidt Patek Pryor Purgason Ransdall

Reinhart Relford Robirds Scott Sheldon 104

Shields Smith Steen Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Vogel Wiggins Williams 159 Wooten Mr. Speaker

NOES: 091

Akin Alter Auer Backer Barnett 4

Barry 100 Bauer Bland Bonner Boucher

Bray 84 Campbell Carter Champion Cooper

Daniels 41 Davis 63 Davis 122 Days Dolan

Donovan Dougherty Enz Farmer Farnen

Fitzwater Ford Franklin Fritts Gibbons

Goward Graham 24 Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Kasten Kauffman Kelley 47 Kennedy

Kissell Lakin Levin Liese Linton

Loudon Luetkenhaus Lumpe May 108 Mays 50

McClelland McLuckie Monaco Murphy Murray

Nordwald O'Toole Ostmann Parker Pouche

Reynolds Richardson Ridgeway Rizzo Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Shelton 57 Skaggs Stokan

Stoll Stroker Van Zandt Wannenmacher Williams 121

Wilson

PRESENT: 000

ABSENT WITH LEAVE: 006

Crump Daniel 42 Hand Marble O'Connor

Thompson 37

VACANCY: 001

On motion of Representative Fritts, House Amendment No. 1 was adopted.

Representative DeMarce offered House Amendment No. 2.

House Amendment No. 2 was withdrawn.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 100, Page 3, Section 1, Line 72, by inserting after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly

exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340, violation of subsection 1 of this section shall be deemed a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section shall be deemed an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Williams (121) raised a point of order that House Amendment No. 2 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Barnett offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 100, Page 2, Section 302.020, Line 11, by inserting after the end of said line the following: "and every person which is accompanied by a passenger who is under 21 years of age".

On motion of Representative Barnett, House Amendment No. 1 to House Amendment No. 2 was adopted.

Representative Lakin offered House Amendment No. 2 to House Amendment No. 2.

*House Amendment No. 2*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for House Bill No. 100, Page 2, Section 302.020.2, by inserting after the word "director" at the end of said subsection the following: "**Any person operating or riding on a motorcycle upon the streets or highways of this state shall acquire and be covered by a personal health care insurance on a medical insurance policy. The person must be able to show proof of insurance if stopped or detained by a law enforcement official**"; and

Further amend the title

Representative Lakin moved that House Amendment No. 2 to House Amendment No. 2, be adopted.

Which motion was defeated.

On motion of Representative Lograsso, House Amendment No. 2, as amended, was adopted by the following vote:

AYES: 090

Backer Ballard Bartelsmeyer Bennett 15 Berkstresser

Boatright Bonner Broach Burton Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

DeMarce Dolan Edwards-Pavia Elliott Evans

Farnen Foley Foster Froelker Gaskill

Gaston Gratz Griesheimer Gross Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey

Hohulin Howerton Johnson Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Lograsso Long Loudon Mays 50 Miller

Naeger Nordwald Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Robirds

Ross Sallee Schwab Scott Sheldon 104

Shields Smith Steen Stokan Stroker

Summers Tate Thomason 163 Townley Treadway

Vogel Wannenmacher Wiggins Williams 159 Wooten

NOES: 065

Akin Alter Auer Barnett 4 Barry 100

Bauer Bland Boucher Bray 84 Campbell

Carter Davis 122 Days Donovan Dougherty

Enz Farmer Fitzwater Franklin Fritts

Gibbons Graham 24 Graham 106 Green Gunn

Hagan-Harrell Harlan Hendrickson Holand Hollingsworth

Hoppe Hosmer Kasten Kauffman Kelley 47

Lakin Legan Levin Liese Linton

Luetkenhaus Lumpe May 108 McBride McClelland

McLuckie Monaco Murphy Murray O'Toole

Reynolds Rizzo Scheve Schilling Secrest

Seigfreid Shear Shelton 57 Skaggs Stoll

Surface Van Zandt Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Ford Goward Hand Marble O'Connor

Thompson 37 Troupe

VACANCY: 001

Representative Hollingsworth offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 100, Page 2, Section 1, Line 46, by deleting after the word "under" the word "eighteen" and insert in lieu thereof the word "**sixteen**"; and

Further amend said bill, Page 2, Section 1, Line 47, by deleting after the word "under" the word "eighteen" and insert in lieu thereof the word "**sixteen**"; and

Further amend the title and enacting clause accordingly.

Representative Hollingsworth moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Richardson offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 100, Page 2, Section 1, Line 7, by striking the words "Class A" and inserting in lieu thereof the words "Class C".

Speaker Gaw resumed the Chair.

On motion of Representative Richardson, House Amendment No. 4 was adopted.

Representative Summers offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 100, Page 1, In the Title, Lines 2 through 5, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 307.178, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same"; and

Further amend said bill, Page 1, Section A, Lines 1 through 3, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 307.178, RSMo 1994, and section 301.030, RSMo Supp. 1996, are repealed and three new sections enacted in lieu thereof, to be known as sections 301.030, 307.178 and 1, to read as follows:

301.030. 1. The director shall provide for the retention of license plates by the owners of motor vehicles, other than commercial motor vehicles, and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. For the purpose of assigning license plate numbers, each type of motor vehicle shall be considered a separate class. Commencing July 1, 1949, motor vehicles, other than commercial motor vehicles, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last date of the twelfth month from the date of beginning.

2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon the public highways of this state, to and including the fifteenth day of any given month, shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the month of such operation; motor vehicles, other than commercial motor vehicles, operated for the first time on the public highways of this state after the fifteenth day of any given month shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the next following calendar month.

3. All commercial motor vehicles and trailers, except those licensed under section 301.035 and those operated under agreements as provided for in sections 301.271 to 301.279, shall be registered either on a calendar year basis or on a prorated basis as provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and driveaway vehicles, other than those to be operated under agreements as provided for in sections 301.271 to 301.279 shall be payable not later than the last day of [December] **February** of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Local commercial motor vehicle license plates shall also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles and, in addition to such stamp, mark or design the letter "F" shall also be displayed on local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations as defined in section 301.010 in the manner prescribed by the advisory committee established in section 301.129. In addition, all commercial motor vehicle license plates shall be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued.

4. The director shall, upon application, issue registration and license plates for nine thousand pounds gross weight for property-carrying commercial motor vehicles referred to herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided in section 301.057.".

On motion of Representative Summers, House Amendment No. 5 was adopted.

Representative Purgason offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 100, Page 1, Section 307.178, Line 7, by inserting after the word "service" the following:

"**United Parcel Service, Federal Express or any other parcel delivery service**"; and

Further amend the title and enacting clause accordingly.

Representative Purgason moved that House Amendment No. 6 be adopted.

Which motion was defeated.

Representative Shields offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 100, Page 1, Section 307.178, Line 9, by inserting after the phrase "exit from their vehicles," and before the word "and" the following:

"**or persons 18 years of age or older, who are passengers in or operate trucks on a street or highway in this state,**"; and

Further amend the title and enacting clause accordingly.

Representative Shields moved that House Amendment No. 7 be adopted.

Which motion was defeated by the following vote:

AYES: 069

Ballard Bartelsmeyer Bennett 15 Berkstresser Boatright

Broach Burton Chrismer Cierpiot Clayton

Copeland Crawford Crump Davis 63 DeMarce

Dolan Edwards-Pavia Elliott Enz Foley

Foster Froelker Gaston Graham 106 Gratz

Griesheimer Gunn Hartzler 124 Hegeman Hohulin

Howerton Kasten Kelly 27 Koller Lawson

Leake Legan Lograsso Long McBride

Miller Naeger Nordwald Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Ridgeway Robirds Sallee

Schwab Scott Sheldon 104 Shields Steen

Summers Surface Tate Thomason 163 Townley

Vogel Wannenmacher Wiggins Wooten

NOES: 083

Akin Alter Auer Backer Barnett 4

Barry 100 Bauer Bland Bonner Boucher

Bray 84 Campbell Carter Champion Cooper

Daniel 42 Daniels 41 Davis 122 Days Donovan

Dougherty Evans Farmer Farnen Fitzwater

Franklin Fritts Gibbons Graham 24 Green

Gross Hagan-Harrell Hall Harlan Hartzler 123

Heckemeyer Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Johnson Kauffman Kelley 47

Kennedy Kissell Lakin Levin Liese

Linton Loudon Luetkenhaus Lumpe May 108

Mays 50 McClelland McLuckie Monaco Murphy

Murray O'Toole Ostmann Reynolds Richardson

Rizzo Ross Scheve Schilling Secrest

Seigfreid Shear Shelton 57 Skaggs Smith

Stokan Stoll Stroker Van Zandt Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Ford Gaskill Goward Hand Kreider

Marble O'Connor Thompson 37 Treadway Troupe

VACANCY: 001

Representative Akin offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 100, Page 2, Section 2, Line 20, by adding after the word "property" the following:

Furthermore, the provisions of this section shall not apply in the event that there are more passengers than available seat belts in the rear seats of a vehicle, and the available seat belts are in use.

Representative Akin moved that House Amendment No. 8 be adopted.

Which motion was defeated.

Representative Scott offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 100, Page 3, Section 1.2, Line 72, by adding after said line the following:

"(7) Any person riding in the unenclosed bed of a truck of such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed."

Representative Scott moved that House Amendment No. 9 be adopted.

Which motion was defeated.

Representative Howerton offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Committee Substitute for House Bill No. 100, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"307.173. 1. Except as provided in [subsection 2] **subsections 2 and 6** of this section, no person shall operate any motor vehicle registered in this state on any public highway or street of this state with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

2. A permit to operate a motor vehicle with a front sidewing vent or window that has a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent may be issued by the department of public safety to a person having a physical disorder requiring the use of such vision-reducing material. If according to the permittee's physician the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection, the limits of this subsection may be altered for that permittee in accordance with the physician's prescription. The director of the department of public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by immediate family members who are husband, wife and sons or daughters who reside in the household.

3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390.

4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

5. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

**6. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section.**";

AND FURTHER AMEND SAID BILL, by amending the title and enacting clause accordingly.

Representative Smith raised a point of order that House Amendment No. 10 is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Howerton, House Amendment No. 10 was adopted.

On motion of Representative Williams (121), **HCS HB 100, as amended,** was adopted by the following vote:

AYES: 096

Backer Barnett 4 Barry 100 Bartelsmeyer Bauer

Bennett 15 Bonner Boucher Bray 84 Broach

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Davis 63 Davis 122

Days Dolan Donovan Dougherty Edwards-Pavia
Enz Farmer Farnen Fitzwater Foley
Franklin Fritts Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hendrickson Hickey Hollingsworth Hoppe Hosmer
Howerton Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Lakin Legan Levin
Liese Lograsso Long Loudon Luetkenhaus
Lumpe May 108 Mays 50 McClelland McLuckie
Murray Naeger O'Toole Ostmann Patek
Pouche Reinhart Reynolds Richardson Ridgeway
Rizzo Ross Scheve Schilling Schwab
Secrest Seigfreid Shear Shelton 57 Skaggs
Smith Stokan Stoll Stroker Tate
Van Zandt Vogel Wannenmacher Williams 121 Wilson
Mr. Speaker

NOES: 052

Akin Alter Auer Ballard Bland
Boatright Burton Crawford Crump DeMarce
Elliott Evans Foster Gaskill Gaston
Gibbons Graham 24 Graham 106 Harlan Hartzler 124
Heckemeyer Hegeman Hohulin Johnson Koller
Kreider Lawson Leake Linton McBride
Miller Monaco Murphy Nordwald Overschmidt
Parker Pryor Ransdall Relford Robirds
Sallee Scott Sheldon 104 Shields Steen
Summers Surface Thomason 163 Townley Treadway
Wiggins Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 014

Berkstresser Daniel 42 Daniels 41 Ford Froelker
Goward Hand Holand Marble O'Connor
Purgason Thompson 37 Troupe Wooten

VACANCY: 001

On motion of Representative Williams (121), **HCS HB 100, as amended,** was ordered perfected and printed by

the following vote:

AYES: 092

Backer Barnett 4 Barry 100 Bauer Bennett 15
Bonner Boucher Bray 84 Broach Campbell
Carter Champion Chrismer Cierpiot Cooper
Daniel 42 Davis 63 Davis 122 Days Dolan
Donovan Dougherty Edwards-Pavia Enz Farmer
Farnen Fitzwater Foley Franklin Fritts
Green Griesheimer Gross Gunn Hall
Hartzler 123 Hendrickson Hickey Hollingsworth Hoppe
Hosmer Howerton Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Lakin Legan
Levin Liese Lograsso Long Loudon
Luetkenhaus Lumpe May 108 Mays 50 McClelland
Murray Naeger O'Toole Ostmann Patek
Pouche Pryor Reinhart Reynolds Richardson
Ridgeway Rizzo Ross Scheve Schilling
Schwab Secrest Seigfreid Shear Shelton 57
Skaggs Smith Stokan Stoll Stroker
Summers Van Zandt Vogel Wannenmacher Williams 121
Wilson Mr. Speaker

NOES: 056

Akin Alter Auer Ballard Bartelsmeyer
Bland Boatright Burton Clayton Copeland
Crawford Crump DeMarce Elliott Evans
Foster Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Harlan Hartzler 124 Heckemeyer
Hegeman Hohulin Johnson Koller Kreider
Lawson Leake Linton McBride Miller
Monaco Murphy Nordwald Overschmidt Parker
Purgason Ransdall Relford Robirds Sallee
Scott Sheldon 104 Shields Steen Surface
Tate Thomason 163 Townley Treadway Wiggins
Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 014

Berkstresser Daniels 41 Ford Froelker Goward

Hagan-Harrell Hand Holand Marble McLuckie

O'Connor Thompson 37 Troupe Wooten

VACANCY: 001

**HCS HBs 493 and 39**, relating to governing bodies, was taken up by Representative Farnen.

Representative Farnen offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 493 and 39, Section 172.035, Subsection 6, Page 2, Lines 22-24, by deleting all of said lines and inserting in lieu thereof the following:

"**6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.**";

And Further Amend Said Bill, Section 174.055, Subsection 6, Page 4, Lines 23-26, by deleting all of said lines and inserting in lieu thereof the following:

"**6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.**";

And Further Amend Said Bill, Section 174.620, Subsection 3, Page 6, Line 29, by inserting immediately after the word "governors" the following:

"**, both nonvoting and voting,**";

And Further Amend Said Bill, Section 174.622, Subsection 6, Page 6, Lines 19-20, by deleting all of said lines;

And Further Amend Said Bill, Section 175.021, Subsection 6, Page 7, Lines 22-25, by deleting all of said lines and inserting in lieu thereof the following:

"**6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.**"

On motion of Representative Farnen, House Amendment No. 1 was adopted.

Representative Patek offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 493 and 39, Page 3, Section 172.037, Line 6, by deleting the words "**a unanimous affirmative vote of the**" and inserting in lieu thereof the following: "**an affirmative vote of three or more**"; and

Further amend said bill, Page 3, Section 172.037, Line 9, by deleting the words "**This subsection shall expire August 28, 2000.**"; and

Further amend said bill, Page 4, Line 6, by deleting the words "**unanimous affirmative vote of the**" and inserting in lieu thereof the following: "**an affirmative vote of three or more**"; and

Further amend said bill, Page 5, Section 174.057, Line 9, by deleting the words "**This subsection shall expire August 28, 2000.**"; and

Further amend said bill, Page 8, Section 175.023, Line 6, by deleting the words "**unanimous affirmative vote of the**" and inserting in lieu thereof the following: "**an affirmative vote of three or more**"; and

Further amend said bill, Page 8, Section 175.023, Line 9, by deleting the words "**This subsection shall expire August 28, 2000.**".

Representative Gross offered House Substitute Amendment No. 1 for House Amendment

No. 2.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 493 and 39, Page 3, Section 172.037, Line 6, by deleting the words "**a unanimous affirmative vote of the**" and inserting in lieu thereof the following: "**a majority vote**"; and

Further amend said bill, Page 3, Section 172.037, Line 9, by deleting the words "**This subsection shall expire August 28, 2000.**"; and

Further amend said bill, Section 174.057, Page 4, Line 6, by deleting the words "**unanimous affirmative vote of the**" and inserting in lieu thereof the following: "**a majority vote**"; and

Further amend said bill, Page 5, Section 174.057, Line 9, by deleting the words "**This subsection shall expire August 28, 2000.**"; and

Further amend said bill, Page 8, Section 175.023, Line 6, by deleting the words "**unanimous affirmative vote of the**" and inserting in lieu thereof the following: "**a majority vote**"; and

Further amend said bill, Page 8, Section 175.023, Line 9, by deleting the words "**This subsection shall expire August 28, 2000.**".

Representative Gross moved that House Substitute Amendment No. 1 for House Amendment No. 2 be adopted.

Which motion was defeated.

House Amendment No. 2 was withdrawn.

Representative Bennett offered House Amendment No. 2.

House Amendment No. 2 was withdrawn.

Representative Bennett offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 493 and 39, Page 3, Section 172.037, Line 9, by deleting all of said line and inserting in lieu thereof the following: "**faculty representative or both.**"; and

Further amend said bill, Page 5, Section 174.057, Line 9, by deleting all of said line and inserting in lieu thereof the following: "**faculty representative or both.**"; and

Further amend said bill, Page 8, Section 175.023, Line 9, by deleting all of said line and inserting in lieu thereof the following: "**faculty representative or both.**"; and

Further amend said bill, Page 8, Section 175.023, Line 9, by inserting after said line: "**The provisions of this bill shall expire on August 28, 2000.**"

On motion of Representative Bennett, House Amendment No. 2 was adopted.

Representative Kauffman offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill Nos. 493 and 39, Page 2, Section 172.036, Line 9, by deleting the word "**tenured**"; and

Further amend said bill, Page 3, Section 172.037, Line 8, by deleting the word "**may**" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 4, Section 174.056, Line 9, by deleting the word "**tenured**"; and

Further amend said bill, Page 5, Section 174.057, Line 8, by deleting the word "**may**" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 5, Section 174.620, Line 17, by deleting the word "**tenured**"; and

Further amend said bill, Page 6, Section 174.622, Line 9, by deleting the word "**tenured**"; and

Further amend said bill, Page 7, Section 175.022, Line 9, by deleting the word "**tenured**"; and

Further amend said bill, Page 8, Section 175.023, Line 8, by deleting the word "**may**" and inserting in lieu thereof the word "**shall**".

On motion of Representative Kauffman, House Amendment No. 3 was adopted.

On motion of Representative Farnen, **HCS HBs 493 and 39, as amended,** was adopted.

On motion of Representative Farnen, **HCS HBs 493 and 39, as amended,** was ordered perfected and printed.

**THIRD READING OF HOUSE BILLS**

**HB 339**, relating to witness testimony, was taken up by Representative Kreider.

On motion of Representative Kreider, **HB 339** was read the third time and passed by the following vote:

AYES: 128

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Bonner

Boucher Bray 84 Broach Burton Campbell
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Enz Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Gaskill
Gaston Graham 24 Graham 106 Gratz Green
Griesheimer Gross Hagan-Harrell Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stroker Summers Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 005

Bauer Bland Carter Gunn Schilling

PRESENT: 000

ABSENT WITH LEAVE: 029

Berkstresser Boatright Daniel 42 Daniels 41 Elliott
Evans Ford Froelker Gibbons Goward
Hall Hand Harlan Holand Hoppe
Kelley 47 Marble Naeger Nordwald O'Connor
Schwab Scott Stokan Stoll Surface
Tate Thompson 37 Troupe Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Farmer, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Mays (50) moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 600 and 388**, relating to health insurance coverage, was taken up by Representative Carter.

On motion of Representative Carter, **HCS HBs 600 and 388** was read the third time and passed by the following vote:

AYES: 126

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crump

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Gaskill Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hollingsworth Hosmer

Howerton Johnson Kasten Kauffman Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Luetkenhaus Lumpe May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray O'Toole Ostmann

Overschmidt Parker Pouche Pryor Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Sallee Scheve Schilling

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Stroker

Summers Thomason 163 Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 009

Crawford Gaston Hohulin Lograsso Loudon
Patek Purgason Steen Townley

PRESENT: 000

ABSENT WITH LEAVE: 027

Berkstresser Bray 84 Daniel 42 Daniels 41 Elliott
Ford Froelker Gibbons Goward Hall
Hand Holand Hoppe Kelley 47 Marble
Naeger Nordwald O'Connor Ross Schwab
Stokan Stoll Surface Tate Thompson 37
Troupe Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 114

Alter Auer Backer Ballard Barry 100
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Broach Burton Carter Champion
Chrismer Clayton Cooper Copeland Crump
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Gaskill Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Harlan Hartzler 123 Heckemeyer Hegeman Hickey
Hollingsworth Hosmer Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Monaco Murphy Murray O'Toole Ostmann
Overschmidt Parker Pryor Ransdall Reinhart
Relford Reynolds Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Stroker Thomason 163
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 023

Akin Barnett 4 Bartelsmeyer Boatright Cierpiot
Crawford Edwards-Pavia Gaston Hartzler 124 Hendrickson
Hohulin Howerton Lograsso Loudon Miller
Patek Pouche Purgason Richardson Ridgeway
Steen Summers Townley

PRESENT: 000

ABSENT WITH LEAVE: 025

Berkstresser Campbell Daniel 42 Daniels 41 Elliott
Ford Froelker Gibbons Goward Hall
Hand Holand Hoppe Kelley 47 Marble
Naeger Nordwald O'Connor Stokan Stoll
Surface Tate Thompson 37 Troupe Wooten

VACANCY: 001

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 528**, relating to weights and measures, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **HCS HB 528** was read the third time and passed by the following vote:

AYES: 131

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Cooper Copeland Crawford Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Enz Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Gaskill Gaston

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hollingsworth Hosmer Howerton Johnson Kasten

Kauffman Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stroker Summers Tate

Thomason 163 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 003

Edwards-Pavia Hohulin Patek

PRESENT: 000

ABSENT WITH LEAVE: 028

Berkstresser Bland Clayton Crump Daniel 42

Daniels 41 Donovan Elliott Evans Ford

Froelker Gibbons Goward Hall Hand

Holand Hoppe Kelley 47 Marble Naeger

Nordwald O'Connor Stokan Stoll Surface

Thompson 37 Troupe Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE JOINT RESOLUTION**

**HJR 18**, relating to state treasurer, was taken up by Representative Harlan.

On motion of Representative Harlan, **HJR 18** was read the third time and passed by the following vote:

AYES: 135

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bland Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Gaskill Gaston Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Loudon
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Miller Murphy Murray
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stroker Summers Tate Thomason 163
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Bartelsmeyer Bennett 15 Long

PRESENT: 000

ABSENT WITH LEAVE: 024

Berkstresser Daniel 42 Daniels 41 Elliott Ford

Froelker Gibbons Goward Hall Hand

Holand Hoppe Kelley 47 Marble Monaco

Naeger Nordwald O'Connor Stokan Stoll

Surface Thompson 37 Troupe Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 13**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 13, Page 2, Section 13.015, Line 5, by deleting the words "leases for" on said line and by adding after the word "including" on said line the following: "the payment of real property leases, related services, utilities, systems furniture, and structural modifications for new FTE for the Department of Elementary and Secondary Education,"; and

Further amend said House Bill No. 13, Page 6, Section 13.110, Line 6 by deleting the figure "1,522,562" and inserting in lieu thereof the figure "1,554,654"; and

Further amend said bill, Page 7, Line 9, by deleting the figure "3,069,933" and inserting in lieu thereof the figure "3,102,025".

Mr. Speaker: Your Committee on Budget, to which was referred **HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **HB 874**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 814, Page 3, Section 30.750, Line 56, after the words "market value of each home is" by deleting the following:

**[ninety thousand dollars or less]**

AMEND Page 3, Section 30.750, Line 56, after the words "market value of each home is" by inserting the following:

**no more than two and one half times the median family income amount for the State of Missouri, as utilized by the Missouri Housing Development Commission,**

AMEND Page 3, Section 30.750, Line 64, after the words "market value of each home is" by deleting the following:

**[ninety thousand dollars or less]**

AMEND Page 3, Section 30.750, Line 64, after the words "market value of each home is" by inserting the following:

**no more than two and one half times the median family income amount for the State of Missouri, as utilized by the Missouri Housing Development Commission;**

AMEND Page 4, Section 30.750, Line 92, after the words "eligible residential property developers," as follows:

**[eligible single-family residential property developers,] eligible rural single-family housing developers, eligible rural single family housing builders,**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 430**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 430, Page 2, Section 217.010, Line 26, by inserting immediately after the word "court" the following "**, from the county in which the crime was committed,**"; and

Further amend said substitute, Page 4, Section 217.777, Line 48, by inserting immediately after said line the following "**(2) The probation program as provided by subsection 5 of this section shall only apply to first time non-violent offenders;**"; and

further amend said section, Line 49, by deleting the number "2" and inserting in lieu thereof the number "**3**".

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **HCR 19**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 19

WHEREAS, the members of the Missouri General Assembly always deem it proper and necessary to remember those service men and women who have faithfully answered our nation's call to arms in times of crisis; and

WHEREAS, April 28, 1997, marks the 53rd Anniversary of "Exercise Tiger", one of World War II's most tragic and most historically significant naval battles, and one that has been largely forgotten; and

WHEREAS, though planned as a practice mission for the D-Day Invasion of the Normandy coast, Exercise Tiger resulted in the highest casualty toll of the war to that point for American forces; and

WHEREAS, the unexpected and overwhelming attack of enemy ships on the minimally prepared and unescorted group of LST's in the T-4 Convoy, in the early morning hours of April 28, 1944, ended in the death of 749 U.S. troops of those, 198 sailors, 551 soldiers of which 196 were from Missouri's 3206th Quarter Master Service Company, as well as injuries to hundreds more, but provided valuable lessons that contributed to the success of the historic D-Day Invasion and thus to the outcome of World War II; and

WHEREAS, on April 28, 1997, the Veterans of Foreign Wars Post 280 and the Missouri Exercise Tiger Association will host a special ceremony to commemorate the 53rd Anniversary of Exercise Tiger, the first such ceremony to be held in the state of Missouri by a VFW post to officially honor this forgotten World War II battle; and

WHEREAS, the upcoming VFW Post 280 ceremony is in keeping with the annual Exercise Tiger ceremony recognized by the Department of Defense, which traditionally honors the U.S. Army soldiers and U.S. Navy sailors of operation "Exercise Tiger":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby join unanimously in supporting and honoring the 53rd Anniversary of Exercise Tiger hosted by the Veterans of Foreign Wars Post 280 and the Missouri Exercise Tiger Association, and further call upon the people of Missouri and all Americans to join in observing this event in recognition of those forgotten individuals who have made the supreme sacrifice to ensure the continued freedom and prosperity of this nation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for presentation during the upcoming 53rd Anniversary of Exercise Tiger.

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 772**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 97**, entitled:

An act to repeal sections 630.155, 630.167 and 630.710, RSMo Supp. 1996, relating to the confidentiality of mental health reports, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 120**, entitled:

An act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1996, relating to the removal of abandoned property, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SBs 202, 23 & 183**, entitled:

An act to repeal sections 96.230, 96.240, 96.250, 96.260, 96.270, 96.280, 96.290, 161.193, 167.260, 205.590, 205.600, 205.610, 205.620, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 205.765, 205.766, 205.767, 205.769, 205.770, 205.780, 205.790, 205.820, 205.830, 205.840, 205.850, 205.860, 205.870, 205.880, 205.890, 205.900, 205.910, 205.920, 205.930, 205.940, 205.950, 207.010, 207.090, 208.010, 208.015, 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, 208.048, 208.050, 208.060, 208.075, 208.080, 208.120, 208.150, 208.160, 208.170, 208.180, 208.182, 208.325, 208.337, 208.339, 208.342, 208.345, 208.400, 208.405, 208.410, 208.415, 208.500, 208.503, 208.505, 210.245, 210.252, 210.256, 473.399, 620.481, 620.521, 620.523, 620.527, 620.528, 620.529, 620.537, 660.016, 660.020, 660.023, and 660.026, RSMo 1994, and sections 135.240, 208.151, 210.221, 620.530 and 660.017, RSMo Supp. 1996, relating to public health and welfare, and to enact in lieu thereof eighty-four new sections relating to the same subject with an effective date for certain sections.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#3 SCS SB 51**, entitled:

An act to repeal sections 452.150, 452.35, 452.370, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.496 RSMo 1994, and sections 452.340, 452.375 and 452.400, RSMo Supp. 1996, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 361**, entitled:

An act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 285.300, 285.302, 285.304, 288.250, 379.116, 451.040, 452.305, 452.315, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.455, 454.460, 454.465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.500, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145 RSMo 1994, sections 452.340, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979 and 454.980 RSMo Supp. 1996, and sections 210.842 and 452.345, as both versions of such sections appear in RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-three new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Representative O'Connor.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 4:00 p.m., Monday, April 7, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-sixth Day, Wednesday, April 2, 1997, pages 858 and 859, roll call, by showing Representative Farmer voting "aye" rather than "absent with leave".

Page 862, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Page 863, roll call, by showing Representatives Campbell and Hosmer voting "aye" rather than "absent with leave".

Pages 865 and 866, roll call, by showing Representatives Champion and Secrest voting "aye" rather than "absent with leave".

Pages 866 and 867, roll call, by showing Representative Kasten voting "aye" rather than "absent with leave".

Pages 868 and 869, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".

Pages 870 and 871, roll call, by showing Representatives Bartelsmeyer, Broach, Kasten and Enz voting "aye" rather than "absent with leave".

Pages 871 and 872, roll call, by showing Representatives Bartelsmeyer, Kasten and Murphy voting "aye" rather than "absent with leave".

Pages 880 and 881, roll call, by showing Representative Bennett (15) voting "no" rather than "absent with leave".

Pages 880 and 881, roll call, by showing Representative Seigfreid voting "aye" rather than "absent with leave".

Page 884, roll call, by showing Representatives Ransdall and Long voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Monday, April 7, 1997, 1:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 335, HB 852

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 9, 1997, 8:00 am. Hearing Room 5.

To be considered - SB 38, SB 220, HB 859

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 9, 1997. Hearing Room 1 upon morning adjournment.

Executive session to follow.

To be considered - SB 265, SB 249

CRIMINAL LAW

Wednesday, April 9, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 883, HB 861, HB 858, HB 807, SB 133, SB 347, SB 215

CRITICAL ISSUES

Monday, April 7, 1997, 8:00 pm. Hearing Room 7.

To be considered - HB 822, HB 824

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 8, 1997, 8:30 am. Hearing Room 7.

To be considered - SB 146, SB 189, SB 310, SB 315, SB 468, Executive Session - HB 384, Executive Session - SB 146, Executive Session - SB 189, Executive Session - SB 310, Executive Session - SB 315, Executive Session - SB 468

ELECTIONS

Tuesday, April 8, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 433, HB 603, HB 798, SB 16, SB 132

ENVIRONMENT AND ENERGY

Monday, April 7, 1997, 2:00 pm. Hearing Room 8.

To be considered - SB 342, SB 72

FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS

Monday, April 7, 1997, 8:00 pm. Hearing Room 2. Executive session following.

To be considered - SCR 17

JOINT COMMITTEE ON WETLANDS

Monday, April 7, 1997, 11:30 am. Hearing Room 7. Informational meeting.

Various agencies will provide info and updates.

JUDICIARY

Tuesday, April 8, 1997. Hearing Room 5 upon morning adjournment.

Executive session to be held on April 10.

To be considered - HB 836, SB 142, SB 163, SB 171

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 8, 1997, 12:30 pm. Hearing Room 4. Executive session may follow.

To be considered - SB 175, SB 122, SB 11, SB 112

PUBLIC HEALTH AND SAFETY

Tuesday, April 8, 1997. Hearing Room 9 upon morning adjournment.

To be considered - SB 373, SB 402

TOURISM, RECREATION AND CULTURAL AFFAIRS

Monday, April 7, 1997, 8:00 pm. Hearing Room 9. Executive session may follow.

To be considered - SB 70, SB 119, SB 155

URBAN AFFAIRS

Tuesday, April 8, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - HB 887

WAYS AND MEANS

Tuesday, April 8, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 675, HB 750, HB 810, SB 124, SB 247, SB 331

**HOUSE CALENDAR**

FORTY-EIGHTH DAY, MONDAY, APRIL 7, 1997

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 13 & 6 - Scheve

HCS HJR 14 - Days

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 426, 576 & 567 - Luetkenhaus

2 HCS HB 472 - Luetkenhaus

3 HCS HB 738 - Hosmer

4 HB 338 - Gunn

5 HCS HB 369 - Clayton

6 HB 660 - Lumpe

7 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

8 HB 304, HCA 1 - Ransdall

9 HCS HB 276 - Davis (122)

10 HB 766, HCA 1 - Harlan

11 HCS HB 69 & 179 - Hosmer

12 HB 301, HCAs 1 & 2 - Lumpe

13 HB 389, HCA 1 - Luetkenhaus

14 HCS HB 396 - Hosmer

15 HCS HB 146 - Scheve

16 HCS HB 214 - Thomason (163)

17 HCS HB 748 & 605 - McLuckie

18 HB 811, HCA 1 - Lakin

19 HB 373 - Kreider

20 HB 105, HCA 1 - Copeland

21 HB 129 - Shear

22 HCS HB 664 - Ross

23 HCS HB 474 - Smith

24 HCS HB 696 - Days

25 HCS HB 451 - Wiggins

26 HB 777 - Hosmer

27 HB 215, HCA 1 & 2 - Dougherty

28 HCS HB 697 - Relford

29 HCS HB 331 - O'Toole

30 HCS HB 349 - Farmer

31 HCS HB 595 - Koller

32 HCS HB 50 - Gratz

33 HCS HB 282 - Kissell

34 HB 232, HCA 1 - Dougherty

35 HCS HB 436 & 260 - Treadway

36 HCS HB 560 - Lakin

37 HB 266 - Stoll

38 HCS HB 206 - Koller

39 HCS HB 641 & 593 - Fitzwater

40 HB 262 - Murray

41 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

42 HCS HB 669 - Stroker

43 HB 513 - Clayton

44 HB 578 - Williams (121)

45 HB 702 - McLuckie

46 HB 376 - Leake

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(March 27, 1997)

1 HB 82 - Champion

2 HB 820 - Sheldon (104)

3 HB 802 - Gratz

4 HB 823 - Lumpe

5 HB 642 - Smith

6 HB 470 - Smith

7 HB 844 - Richardson

8 HB 832 - Hoppe

9 HB 813 - Bartelsmeyer

10 HB 816 - Williams (159)

11 HB 592 - O'Toole

12 HB 348 - Farmer

13 HB 821 - Backer

(April 1, 1997)

14 HB 487 - Parker

15 HB 547 - Gross

16 HB 817 - Hagan-Harrell

17 HB 827 - Hagan-Harrell

18 HB 402 - Naeger

(April 3, 1997)

19 HB 787 - Barry

20 HB 831 - Griesheimer

(April 7, 1997)

21 HB 772 - Koller

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 335, (Budget Fiscal 4-2-97) - Harlan

HB 193 - Auer

HS HCS HB 495 - Backer

**SENATE BILLS FOR SECOND READING**

SS#3 SCS SB 51

SS SB 97

SS SB 120

SS#2 SCS SB 202, 23 & 183

SB 361

**SENATE BILL FOR THIRD READING**

SCS SB 430, HCA 1, E.C. - Crump

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

FORTY-EIGHTH DAY, Monday, April 7, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Leave your country, your family, and your parental home, for the land I will show you." (Yahweh to Abram in Gen. 12:1)

The presence of the Flex liner train, designed in the Capital City, today reminds us of the metaphor of the journey which is used throughout the Hebrew and Christian Bible and in the stories of other major faiths to describe the spiritual life.

Gracious God, we ask the guidance we need to leave where we are, to go where you wish us to be, in our personal journal and in the journey of the faith-group and various communities to which we belong. There is always some fear mixed with excitement, some willingness to change mixed with a desire to cling to where we are in all of our journeys. Give us the willingness, O God on whose direction we rely, to listen to each other, so we may know from whence we have come and to have some sense of where we are going. We also ask today for some practical help with the very human journeys and the practical decisions we need to make about transportation in our rapidly changing world, on our roads, rail lines, waterways, and in the air. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the forty-seventh day was approved as corrected.

**RESOLUTIONS**

Representative Kreider offered House Resolution No. 527, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Vogel and Gratz offered House Resolution No. 528, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 529, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Townley offered House Resolution No. 530, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ballard offered House Resolution No. 531, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 532, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bartelsmeyer offered House Resolution No. 533, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boatright offered House Resolution No. 534, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF SENATE BILLS**

**SS#3 SCS SB 51, SS SB 97, SS SB 120, SS#2 SCS SB 202, 23 & 183** and **SB 361** were read the second time.

**THIRD READING OF HOUSE BILLS**

**HB 193**, relating to insurance company investments, was taken up by Representative Gunn.

On motion of Representative Gunn, **HB 193** was read the third time and passed by the following vote:

AYES: 154

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Daniel 42 Goward Hand Holand

Kissell Ostmann Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Barry, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 495**, relating to lobbying, campaign and ethics reform, was taken up by Representative Backer.

Representative Backer offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 495, Page 16, Section 105.475, Line 28 by deleting the word "**principals**" and inserting the word "**principal**"; and

Further amend said bill, Page 27, Section 105.958, Line 7 by deleting the word "**failed**" and inserting in lieu thereof the word "**fails**"; and

Further amend said bill, Page 67, Section 130.046, Line 44 by deleting the word "**fifteenth**" and inserting in lieu thereof the word "**seventh**"; and

Further amend said bill, Page 84, Section 2, Line 2 by deleting the word "**bill**" and inserting in lieu thereof the

word "**act**"; and

Further amend said bill, Page 84, Section 2, Line 10 by deleting the word "**of**" and inserting in lieu thereof the word "**or**"; and

Further amend said bill, Page 84, Section 2, Line 2 by deleting the word "**bill**" and inserting in lieu thereof the word "**act**".

On motion of Representative Backer, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Backer, **HS HCS HB 495, as amended,** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McClelland McLuckie

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Wilson Wooten Mr. Speaker

NOES: 002

McBride Murphy

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bauer Daniel 42 Davis 63 Goward

Hand Holand Kissell Ostmann Thompson 37

Troupe Williams 159

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HCS HBs 426, 576 and 567**, relating to employers and employees, was taken up by Representative Luetkenhaus, and placed on the Informal Calendar.

**HCS HB 472**, relating to employment security, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus offered **HS HCS HB 472.**

Representative Clayton offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 472, Page 27, Section 288.050, Line 2 of said page, by inserting after the word "misconduct" the following: "**, and shall, in cases of misconduct that involve a conviction for a criminal act of deceit or dishonesty in connection with his or her work,**".

**On motion of Representative Clayton, House Amendment No. 1 was adopted.**

**On motion of Representative Luetkenhaus, HS HCS HB 472, as amended, was adopted.**

**On motion of Representative Luetkenhaus, HS HCS HB 472, as amended, was ordered perfected and printed.**

**RECONSIDERATION**

**Representative Wannenmacher, having voted on the prevailing side, moved that the vote by which HB 654 was defeated on third reading-consent, be reconsidered.**

**Which motion was adopted by the following vote:**

**AYES: 085**

**Backer Barry 100 Bauer Bland Boucher**

**Bray 84 Campbell Carter Clayton Copeland**

**Crump Daniels 41 Davis 63 Davis 122 Days**

**DeMarce Donovan Dougherty Farmer Farnen**

**Fitzwater Foley Ford Franklin Fritts**

**Gratz Green Griesheimer Gunn Hagan-Harrell**

**Harlan Heckemeyer Hickey Hollingsworth Hoppe**

**Hosmer Johnson Kauffman Kelly 27 Kennedy**

**Koller Kreider Lakin Lawson Liese**

**Luetkenhaus Lumpe May 108 Mays 50 McBride**

**McClelland McLuckie Monaco Murray O'Connor**

**O'Toole Overschmidt Parker Ransdall Relford**

**Reynolds Rizzo Scheve Schilling Seigfreid**

**Shear Sheldon 104 Shelton 57 Skaggs Smith**

**Stokan Stoll Stroker Tate Thomason 163**

**Thompson 37 Treadway Van Zandt Vogel Wannenmacher**

**Wiggins Williams 121 Williams 159 Wilson Mr. Speaker**

**NOES: 070**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Bonner Broach**

**Burton Champion Chrismer Cierpiot Cooper**

**Crawford Dolan Edwards-Pavia Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Graham 24 Graham 106 Gross Hall**

**Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin**

**Howerton Kasten Kelley 47 Leake Legan**

**Levin Linton Lograsso Long Loudon**

**Marble Miller Murphy Naeger Nordwald**

**Patek Pouche Pryor Purgason Reinhart**

**Richardson Ridgeway Robirds Ross Sallee**

**Schwab Scott Secrest Shields Steen**

Summers Surface Townley Troupe Wooten

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Daniel 42 Goward Hand Holand

Kissell Ostmann

VACANCY: 001

HB 654, relating to credit card fraud, was taken up by Representative Bray.

Representative Bray moved that HB 654 be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 081

Backer Barry 100 Bland Boucher Bray 84

Campbell Carter Clayton Copeland Crump

Daniels 41 Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Farmer Farnen Fitzwater

Foley Ford Franklin Fritts Gratz

Green Hagan-Harrell Harlan Heckemeyer Hickey

Hollingsworth Hoppe Hosmer Johnson Kauffman

Kelly 27 Kennedy Koller Kreider Lakin

Lawson Levin Liese Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Monaco

Murray O'Toole Overschmidt Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Troupe Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 074

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bauer Bennett 15 Berkstresser Boatright Bonner

Broach Burton Champion Chrismer Cierpiot

Cooper Crawford Dolan Edwards-Pavia Elliott

Enz Evans Foster Froelker Gaskill

**Gaston Gibbons Graham 24 Graham 106 Griesheimer**

**Gross Gunn Hall Hartzler 123 Hartzler 124**

**Hegeman Hendrickson Hohulin Howerton Kasten**

**Kelley 47 Leake Legan Linton Lograsso**

**Long Loudon Marble McClelland Miller**

**Murphy Naeger Nordwald O'Connor Patek**

**Pouche Pryor Purgason Reinhart Richardson**

**Ridgeway Robirds Ross Sallee Schwab**

**Scott Secrest Shields Steen Summers**

**Surface Townley Vogel Wooten**

**PRESENT: 000**

**ABSENT WITH LEAVE: 007**

**Auer Daniel 42 Goward Hand Holand**

**Kissell Ostmann**

**VACANCY: 001**

**Representative Smith assumed the Chair.**

**PERFECTION OF HOUSE BILL**

**HCS HB 738, relating to zero tolerance, was taken up by Representative Hosmer.**

**Representative Hosmer offered HS HCS HB 738.**

**Representative Hosmer offered House Amendment No. 1.**

***House Amendment No. 1***

**AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 12, Section 577.020.1, Line 15, by deleting after the word "detention" and before the word "has" the words [the officer]; and**

**Further amend said bill, Page 20, Section 577.041, Line 12, by deleting after the word "detained" and before the word "and" the words [for a reason].**

**On motion of Representative Hosmer, House Amendment No. 1 was adopted.**

**Representative Hartzler (124) offered House Amendment No. 2.**

***House Amendment No. 2***

**AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "1994, and sections 302.302, 302.309, 302.505, 302.545, 304.012"; and**

**Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "nine" and inserting in lieu thereof the word "eleven"; and**

**Further amend said bill, Page 1, Section A, Lines 12 through 14, by deleting all of said lines and inserting in lieu thereof the following: "Sections 302.302, 302.309, 302.505, 302.545, 304.012, 577.020 and 577.041, RSMo Supp. 1996, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 302.302, 302.309, 302.505, 302.545, 304.012,"; and**

**Further amend said bill, Page 1, Section A, Line 15, by inserting immediately after said section the following:**

**"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:**

**(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions 2 points**

**(except any violation of municipal stop sign ordinance where no accident is involved 1 point)**

**(2) Speeding**

**In violation of a state law 3 points**

**In violation of a county or municipal ordinance 2 points**

**(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points**

**In violation of any county or municipal ordinance 6 points**

**(4) Careless and imprudent driving with aggravating circumstances in violation of section**

**304.012, RSMo, 6 points**

**Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points**

**In violation of a county or municipal ordinance 2 points**

**(5) Operating without a license after suspension or revocation and prior to restoration of operating privileges which have been suspended or revoked 2 points**

**(6) Obtaining a license by misrepresentation 12 points**

**(7) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points**

**(8) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight 12 points**

**(9) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight**

**In violation of state law 8 points**

**In violation of a county or municipal ordinance 8 points**

**(10) Any felony involving the use of a motor vehicle 12 points**

**(11) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points**

**2. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.**

**3. When any of the acts listed in subdivision (2), (3), (4) or (7) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (7), (8) and (9) of subsection 1 of this section, no person shall be tried or convicted for more than one offense [under] pursuant to subdivisions (7), (8) and (9) of subsection 1 of this section for offenses arising out of the same occurrence.**

**4. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation [under] pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or [under] pursuant to subsection 2 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety [under] pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and must be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction [under] pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and**

**Further amend said bill, Page 11, Section 302.545, Line 15, by inserting immediately after said section the following:**

**"304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.**

**2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved or there are aggravating circumstances then it shall be a class A misdemeanor. For the purposes of this section, the term "aggravating circumstances" shall be defined as circumstances in which any person suffers serious physical injury, as defined in section 565.002, RSMo, as a result of the violation of this section.".**

**Speaker Gaw resumed the Chair.**

**On motion of Representative Hartzler (124), House Amendment No. 2 was adopted by the following vote:**

**AYES: 089**

**Akin Alter Barnett 4 Barry 100 Bartelsmeyer**

**Bauer Bennett 15 Berkstresser Boatright Bonner**

**Boucher Broach Burton Chrismer Cierpiot**

**Cooper Davis 122 Dolan Donovan Edwards-Pavia**

**Elliott Enz Evans Farnen Foley**

**Foster Froelker Gaskill Gaston Gibbons**

**Graham 24 Graham 106 Green Griesheimer Gross**

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Hollingsworth Hosmer Howerton Kasten

Kauffman Kelley 47 Kennedy Lawson Legan

Levin Liese Linton Lograsso Loudon

Luetkenhaus Marble May 108 McClelland Miller

Monaco Murphy Naeger Nordwald O'Toole

Parker Patek Pouche Pryor Purgason

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Sheldon 104

Shields Skaggs Stokan Stoll Stroker

Summers Surface Townley Wannenmacher

NOES: 060

Backer Ballard Bland Bray 84 Campbell

Carter Champion Clayton Copeland Crawford

Crump Daniels 41 Davis 63 Days DeMarce

Dougherty Farmer Fitzwater Franklin Fritts

Gratz Gunn Hagan-Harrell Harlan Heckemeyer

Hickey Hoppe Johnson Kelly 27 Koller

Kreider Lakin Leake Long Lumpe

Mays 50 McBride McLuckie Murray Overschmidt

Ransdall Relford Reynolds Rizzo Scheve

Schilling Seigfreid Shear Shelton 57 Smith

Tate Treadway Troupe Van Zandt Vogel

Wiggins Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Daniel 42 Ford Goward Hand

Holand Kissell O'Connor Ostmann Steen

Thomason 163 Thompson 37 Williams 121

VACANCY: 001

HCS HB 738, with HS, as amended, pending, was laid over.

COMMITTEE REPORTS

Committee on Rules, Joint Rules, and Bills Perfected and Printed, Chairman Backer reporting:

**Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HB 82, HB 348, HB 470, HB 592, HB 642, HB 802, HB 813, HB 816, HB 820, HB 821, HB 823, HB 832, HB 844, HCS HBs 493 & 39, HCS HB 100, and HS HCS HB 495, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.**

**Committee on Children, Youth and Families, Chairman Dougherty reporting:**

**Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred HB 57, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Education - Elementary and Secondary, Chairman Stoll reporting:**

**Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred HB 108, begs leave to report it has examined the same and recommends that it Do Pass.**

**Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred HB 785, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Social Services, Medicaid and the Elderly, Chairman Gunn reporting:**

**Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred HB 508 and HB 145, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**COMMITTEE CHANGE**

**The Speaker submitted the following Committee change:**

**Representative Thomason (163) is no longer a member of the Motor Vehicle and Traffic Regulations Committee.**

**WITHDRAWAL OF HOUSE BILL**

**April 7, 1997**

**Honorable Steve Gaw**

**Speaker**

**House of Representatives**

**State Capitol**

**Jefferson City, MO 65101**

**Dear Mr. Speaker:**

**I respectfully request that House Bill No. 603 be withdrawn.**

**Thank you.**

**Respectfully submitted,**

**/s/ Linda L. Bartelsmeyer**

**ADJOURNMENT**

**On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, Aapril 8, 1997.**

## CORRECTIONS TO THE HOUSE JOURNAL

**Correct House Journal, Forty-seventh Day, Thursday, April 3, 1997, page 902, roll call, by showing Representative Kreider voting "no" rather than "absent with leave".**

**Page 904, roll call, by showing Representative Purgason voting "no" rather than "absent with leave".**

**Page 904, roll call, by showing Representative Patek voting "no" rather than "aye".**

**Page 905, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".**

**Pages 908 and 909, roll call, by showing Representatives Boatright, Kelley (47) and Surface voting "aye" rather than "absent with leave".**

**Pages 909 and 910, roll call, by showing Representatives Ross, Kelley (47) and Surface voting "aye" rather than "absent with leave".**

**Pages 910 and 911, roll call, by showing Representatives Campbell, Kelley (47) and Surface voting "aye" rather than "absent with leave".**

**Pages 911 and 912, roll call, by showing Representatives Kelley (47) and Surface voting "aye" rather than "absent with leave".**

**Pages 912 and 913, roll call, by showing Representatives Kelley (47) and Surface voting "aye" rather than "absent with leave".**

## COMMITTEE MEETINGS

### ACCOUNTS, OPERATIONS, AND FINANCE

**Wednesday, April 9, 1997, 8:30 am. Hearing Room 4.**

### AGRICULTURE

**Wednesday, April 9, 1997, 9:00 am. Hearing Room 8. Executive session on**

**bills previously heard. CORRECTED**

**To be considered - SB 357**

### BANKS AND FINANCIAL INSTITUTIONS

**Wednesday, April 9, 1997, 1:00 pm. Hearing Room 9. Executive session.**

**To be considered - SB 148**

### BUDGET

**Tuesday, April 8, 1997, 8:30 am. Hearing Room 9. Possible executive session.**

**To be considered - HB 16**

### CHILDREN, YOUTH, AND FAMILIES

**Wednesday, April 9, 1997, 8:00 am. Hearing Room 5.**

**To be considered - SB 38, SB 220, HB 859**

**CIVIL AND ADMINISTRATIVE LAW**

**Wednesday, April 9, 1997. Hearing Room 1 upon morning adjournment.**

**Executive session to follow.**

**To be considered - SB 265, SB 249**

**CORRECTIONAL & STATE INSTITUTIONS**

**Tuesday, April 8, 1997, 9:00 am. Hearing Room 5. Executive session.**

**To be considered - SB 218, SB 398, SB 416, SB 424**

**CRIMINAL LAW**

**Wednesday, April 9, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.**

**To be considered - HB 883, HB 861, HB 858, HB 807, SB 133, SB 347, SB 215**

**EDUCATION - ELEMENTARY AND SECONDARY**

**Tuesday, April 8, 1997, 8:30 am. Hearing Room 7.**

**To be considered - SB 146, SB 189, SB 310, SB 315, SB 468, Executive Session - HB 384, Executive Session - SB 146, Executive Session - SB 189, Executive Session - SB 310, Executive Session - SB 315, Executive Session - SB 468**

**EDUCATION - HIGHER**

**Wednesday, April 9, 1997, 1:00 pm. Hearing Room 8. Executive session may follow.**

**To be considered - HB 867, SB 346**

**ELECTIONS**

**Tuesday, April 8, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.**

**AMENDED NOTICE**

**To be considered - HB 433, HB 798, SB 16, SB 132, HJR 15, HB 646**

**JUDICIARY**

**Tuesday, April 8, 1997. Hearing Room 5 upon morning adjournment.**

**Executive session to be held on April 10.**

**To be considered - HB 836, SB 142, SB 163, SB 171**

**LOCAL GOVERNMENT AND RELATED MATTERS**

**Tuesday, April 8, 1997, 12:30 pm. Hearing Room 4. Executive session may follow.**

**AMENDED NOTICE**

**To be considered - SB 175, SB 122, SB 11, SB 112, SB 194**

**MOTOR VEHICLE AND TRAFFIC REGULATIONS**

**Tuesday, April 8, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.**

**To be considered - HB 863**

**PUBLIC HEALTH AND SAFETY**

Tuesday, April 8, 1997. Hearing Room 9 upon morning adjournment.

To be considered - SB 373, SB 402

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 8, 1997, 8:00 pm. Hearing Room 5. Possible executive session.

To be considered - HB 848, HB 888

TRANSPORTATION

Wednesday, April 9, 1997, 1:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HCR 29, SB 140

URBAN AFFAIRS

Tuesday, April 8, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

AMENDED NOTICE

To be considered - HB 887, SB 212

WAYS AND MEANS

Tuesday, April 8, 1997. Hearing Room 8 upon morning adjournment.

To be considered - HB 675, HB 750, HB 810, SB 124, SB 247, SB 331

## HOUSE CALENDAR

FORTY-NINTH DAY, TUESDAY, APRIL 8, 1997

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 13 & 6 - Scheve

HCS HJR 14 - Days

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HB 13, HCA 1 - Green

HB 17 - Lumpe

HB 19 - Lumpe

HOUSE BILLS FOR PERFECTION

1 HCS HB 738, with HS, as amended, pending - Hosmer

2 HB 338 - Gunn

3 HCS HB 369 - Clayton

4 HB 660 - Lumpe

5 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

6 HB 304, HCA 1 - Ransdall

7 HCS HB 276 - Davis (122)

8 HB 766, HCA 1 - Harlan

9 HCS HB 69 & 179 - Hosmer

**10 HB 301, HCAs 1 & 2 - Lumpe**

**11 HB 389, HCA 1 - Luetkenhaus**

**12 HCS HB 396 - Hosmer**

**13 HCS HB 146 - Scheve**

**14 HCS HB 214 - Thomason (163)**

**15 HCS HB 748 & 605 - McLuckie**

**16 HB 811, HCA 1 - Lakin**

**17 HB 373 - Kreider**

**18 HB 105, HCA 1 - Backer**

**19 HB 129 - Shear**

**20 HCS HB 664 - Ross**

**21 HCS HB 474 - Smith**

**22 HCS HB 696 - Days**

**23 HCS HB 451 - Wiggins**

**24 HB 777 - Hosmer**

**25 HB 215, HCA 1 & 2 - Dougherty**

**26 HCS HB 697 - Relford**

**27 HCS HB 331 - O'Toole**

**28 HCS HB 349 - Farmer**

**29 HCS HB 595 - Koller**

**30 HCS HB 50 - Gratz**

**31 HCS HB 282 - Kissell**

**32 HB 232, HCA 1 - Dougherty**

**33 HCS HB 436 & 260 - Treadway**

**34 HCS HB 560 - Lakin**

**35 HB 266 - Stoll**

**36 HCS HB 206 - Koller**

**37 HCS HB 641 & 593 - Fitzwater**

**38 HB 262 - Murray**

**39 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)**

**40 HCS HB 669 - Stroker**

**41 HB 513 - Clayton**

**42 HB 578 - Williams (121)**

**43 HB 702 - McLuckie**

**44 HB 376 - Leake**

**45 HCS HB 459 - Shelton (57)**

**46 HB 57 - Shear**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

HCS HB 288 - Lumpe

HB 58 - Thomason (163)

HOUSE BILLS FOR PERFECTION - CONSENT

(April 1, 1997)

1 HB 487 - Parker

2 HB 547 - Gross

3 HB 817 - Hagan-Harrell

4 HB 827 - Hagan-Harrell

5 HB 402 - Naeger

(April 3, 1997)

6 HB 787 - Barry

7 HB 831 - Griesheimer

(April 7, 1997)

7 HB 772 - Barnett

HOUSE JOINT RESOLUTION FOR THIRD READING

HJR 18 - Harlan

HOUSE BILLS FOR THIRD READING

HS HCS HB 335, (Budget Fiscal 4-2-97) - Harlan

HCS HB 100 - Williams (121)

HCS HB 493 & 39 - Farnen

HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 82 - Champion

2 HB 820 - Sheldon (104)

3 HB 802 - Gratz

4 HB 823 - Lumpe

5 HB 642 - Smith

6 HB 470 - Smith

7 HB 844 - Richardson

8 HB 832 - Hoppe

9 HB 813 - Bartelsmeyer

10 HB 816 - Williams (159)

11 HB 592 - O'Toole

12 HB 348 - Farmer

13 HB 821 - Backer

SENATE BILL FOR THIRD READING

SCS SB 430, HCA 1, E.C. - Crump

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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# House Journal

## First Regular Session, 89th General Assembly

FORTY-NINTH DAY, Tuesday, April 8, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Aim at righteousness, faith, love and peace." (2 Tim. 2:22)

Today's news includes word of the capture of a triple murder and burglary and robbery suspect in the Ozarks. It gives us an opportunity to reflect on the reliance we have and the debt we owe to all law enforcement and public safety personnel.

Gracious God, we thank you today for those women and men who serve us in those professions. We often fuss when we get caught for a traffic ticket but it takes large man-hunts like this one from time to time to help us realize the complexity of the job of keeping public order and of the extraordinary work needed to coordinate all the agencies and the commitment of those who give up their own comfort and risk their own lives routinely for us.

We ask for a deeper appreciation of the rule of law, for respect for those who enforce it and support for the system of justice. May a true spirit of fairness and justice for all, based on your compassion, God of Mercy, permeate all of our legal proceedings. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Melody Morgan, Shane Clinton, Kristen Caldwell, Erin Culbertson, Maggy Clark, Billy Clark, Annelise Carr, Lee Kraus, Florencia Becco, Stephen Hughes, Katie Underhill, Raymond Zhang, Darryl Williams, Amanda Deutsch, Amy Mashburn, Matthew Hardy, Caroline Mashburn, Candace Carter, Ashley Edwards, Sean Panilawon, Trenton Walker, Chris Byrd, Tanea Graves, Chris Rehagen, Nathan Wilhoit, Katie Hutchinson, Megan McCoy, Joey Bysor and Jessica L. Enz.

The Journal of the forty-eighth day was approved as corrected.

**RESOLUTIONS**

Representatives Ross and Lograsso offered House Resolution No. 535, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bauer offered House Resolution No. 536, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stoll offered House Resolution No. 537, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 82**, relating to charitable solicitations, was taken up by Representative Champion.

On motion of Representative Champion, **HB 82** was read the third time and passed by the following vote:

AYES: 146

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble Mays 50 McBride

McClelland McLuckie Miller Monaco Murphy

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 008

Bray 84 Clayton Foley Green Hagan-Harrell
Harlan May 108 Murray

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Donovan Goward Hand Kissell
O'Connor Reynolds Shear

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Barry (100), title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

Representative Green assumed the Chair.

**HB 820**, relating to inmate harassment, was taken up by Representative Sheldon (104).

On motion of Representative Sheldon (104), **HB 820** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniels 41 Davis 63 Davis 122 DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Bland Daniel 42 Gunn

PRESENT: 002

Days Thompson 37

ABSENT WITH LEAVE: 007

Auer Berkstresser Goward Hand Harlan
Kissell Reynolds

VACANCY: 001

Representative Green declared the bill passed.

On motion of Representative Van Zandt, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HB 802**, relating to conveyance of property in Cole county, was taken up by Representative Gratz.

On motion of Representative Gratz, **HB 802** was read the third time and passed by the following vote:

AYES: 156

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Auer Goward Hand Kissell Reynolds
Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HB 823**, relating to community corrections, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 823** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Barnett 4 Crawford Hall Hendrickson Lograsso

Pouche Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 006

Auer Goward Hand Kissell Reynolds

Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Crump moved that motion lay on the table.

The latter motion prevailed.

**HB 642**, relating to home health, was taken up by Representative Smith.

On motion of Representative Smith, **HB 642** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Evans Summers

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Crump Goward Hand Hollingsworth
Kissell Lumpe Reynolds Ridgeway Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

**HB 470**, relating to property tax, was taken up by Representative Smith.

On motion of Representative Smith, **HB 470** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Goward Hand Kissell Reynolds
Thompson 37 Williams 121

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HB 844**, relating to county prosecutors, was taken up by Representative Richardson.

On motion of Representative Richardson, **HB 844** was read the third time and passed by the following vote:

AYES: 104

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Broach Burton
Campbell Champion Chrismer Cierpiot Clayton
Copeland Crawford Daniels 41 Davis 63 Davis 122
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farnen Foley Ford
Foster Froelker Gaskill Gibbons Graham 106
Gratz Griesheimer Gross Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Holand
Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kennedy Kreider Leake Legan

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe May 108 McBride McClelland

Miller Monaco Murray Naeger Nordwald

O'Connor Ostmann Overschmidt Parker Patek

Pryor Purgason Richardson Rizzo Robirds

Ross Schwab Scott Secrest Seigfreid

Shear Shields Skaggs Smith Steen

Stokan Stoll Summers Surface Thomason 163

Vogel Williams 121 Williams 159 Wilson

NOES: 049

Boatright Bray 84 Carter Cooper Crump

Daniel 42 Days DeMarce Farmer Fitzwater

Franklin Fritts Gaston Graham 24 Green

Gunn Hagan-Harrell Hegeman Hickey Hohulin

Hollingsworth Kauffman Kelly 27 Koller Lakin

Lawson Marble Mays 50 McLuckie Murphy

O'Toole Pouche Ransdall Reinhart Relford

Ridgeway Sallee Schilling Sheldon 104 Shelton 57

Stroker Tate Townley Treadway Van Zandt

Wannenmacher Wiggins Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Goward Hand Kissell Lograsso

Reynolds Scheve Thompson 37 Troupe

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**HB 832** was stricken from the calendar.

**HB 813**, relating to special road districts, was taken up by Representative Bartelsmeyer.

On motion of Representative Bartelsmeyer, **HB 813** was read the third time and passed by the following vote:

AYES: 094

Akin Alter Barnett 4 Bartelsmeyer Bauer
Bennett 15 Berkstresser Bland Bonner Boucher
Broach Burton Champion Chrismer Cierpiot
Copeland Crawford Daniel 42 Daniels 41 Davis 63
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Ford Froelker Gaskill
Gaston Gibbons Graham 106 Griesheimer Gunn
Hall Harlan Hartzler 124 Hegeman Hendrickson
Hickey Holand Hosmer Howerton Kasten
Kelley 47 Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Marble McBride McClelland Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
Ostmann Overschmidt Patek Pryor Purgason
Reinhart Richardson Ridgeway Rizzo Ross
Sallee Schwab Scott Secrest Shear
Sheldon 104 Shields Skaggs Steen Stoll
Summers Surface Tate Townley Troupe
Vogel Wannenmacher Williams 121 Mr. Speaker

NOES: 060

Backer Ballard Barry 100 Boatright Bray 84
Campbell Carter Clayton Cooper Crump
Davis 122 Days DeMarce Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Graham 24 Gratz Green Gross Hagan-Harrell
Hartzler 123 Heckemeyer Hollingsworth Hoppe Johnson
Kauffman Kelly 27 Kennedy Koller Kreider
Lakin Lawson Lumpe May 108 Mays 50
McLuckie O'Toole Parker Pouche Ransdall
Relford Robirds Scheve Schilling Seigfreid
Shelton 57 Smith Stokan Stroker Thomason 163
Treadway Van Zandt Williams 159 Wilson Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Goward Hand Hohulin Kissell
Reynolds Thompson 37 Wiggins

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**HB 816**, relating to emergency telephone boards, was taken up by Representative Williams (159).

On motion of Representative Williams (159), **HB 816** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Champion Edwards-Pavia Farmer Goward
Green Hand Kissell Reynolds Scheve
Shelton 57 Thompson 37 Williams 121

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**HB 592**, relating to St. Louis cemeteries, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HB 592** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Gaskill Gaston Gibbons
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Champion Froelker Goward Graham 24
Hand Kissell Reynolds Thompson 37 Williams 121

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

**HB 348**, relating to Corporate Francise Tax, was taken up by Representative Van Zandt.

On motion of Representative Van Zandt, **HB 348** was read the third time and passed by the following vote:

AYES: 140

Alter Backer Ballard Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Elliott Enz
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 106 Gratz Green
Griesheimer Gross Gunn Hall Harlan
Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Luetkenhaus Lumpe
Marble Mays 50 McBride McClelland McLuckie
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Purgason Ransdall Reinhart Relford
Richardson Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 010

Akin Chrismer Edwards-Pavia Evans Hartzler 124
Loudon Murphy Pouche Pryor Townley

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Champion Goward Graham 24 Hagan-Harrell
Hand Kissell May 108 Reynolds Ridgeway
Thompson 37 Williams 121

VACANCY: 001

Representative Scheve declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**HB 821**, relating to boards and commissions, was taken up by Representative Backer.

On motion of Representative Backer, **HB 821** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Froelker
Gaskill Gaston Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Bauer Champion Chrismer Fritts

Gibbons Goward Hand Kissell Patek

Reynolds Ridgeway Thompson 37

VACANCY: 001

Representative Scheve declared the bill passed.

On motion of Representative Stoll, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Stroker moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS**

**HCS HB 100**, relating to motor vehicle ridership, was taken up by Representative Williams (121).

Representative Williams (121) moved that **HCS HB 100** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 074

Barry 100 Bauer Bland Bonner Bray 84
Broach Campbell Carter Champion Cierpiot
Daniels 41 Davis 63 Davis 122 Days Dolan
Donovan Dougherty Edwards-Pavia Enz Farmer
Farnen Foley Franklin Fritts Green
Hagan-Harrell Hall Harlan Hartzler 123 Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Lakin Lawson Legan Levin Liese
Luetkenhaus Lumpe May 108 Mays 50 McClelland
McLuckie Monaco Murphy Murray O'Connor
O'Toole Ostmann Richardson Rizzo Ross
Scheve Schilling Secrest Seigfreid Shear
Shelton 57 Skaggs Stoll Stroker Van Zandt
Wannenmacher Williams 121 Wilson Wooten

NOES: 079

Akin Alter Backer Ballard Barnett 4
Bartelsmeyer Bennett 15 Berkstresser Boatright Boucher
Burton Chrismer Clayton Cooper Copeland
Crawford Crump Daniel 42 DeMarce Elliott
Evans Fitzwater Ford Foster Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Griesheimer Gross Gunn Hartzler 124
Heckemeyer Hegeman Hohulin Howerton Johnson
Koller Kreider Leake Linton Lograsso
Long Loudon Marble McBride Miller
Naeger Nordwald Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Robirds Sallee Schwab Scott Sheldon 104
Shields Smith Steen Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Vogel Wiggins Williams 159 Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Goward Hand Kissell Overschmidt

Reynolds Ridgeway Stokan Thompson 37

VACANCY: 001

**HCS HBs 493 and 39**, relating to governing bodies, was taken up by Representative Farnen.

On motion of Representative Farnen, **HCS HBs 493 and 39** was read the third time and passed by the following vote:

AYES: 101

Backer Barnett 4 Barry 100 Bauer Bennett 15

Bland Bonner Boucher Bray 84 Campbell

Carter Champion Cierpiot Clayton Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Froelker Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Johnson Kasten Kelly 27

Koller Kreider Lakin Lawson Leake

Levin Liese Long May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murray O'Connor O'Toole Parker Relford

Richardson Rizzo Ross Schilling Schwab

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Stoll Stroker Summers

Tate Thomason 163 Troupe Van Zandt Vogel

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 039

Akin Alter Ballard Bartelsmeyer Berkstresser

Boatright Broach Burton Chrismer Cooper

Edwards-Pavia Elliott Gaskill Gibbons Hall

Hegeman Hohulin Howerton Kauffman Kelley 47

Legan Linton Lograsso Loudon Marble

Murphy Naeger Nordwald Ostmann Patek

Pouche Pryor Scott Smith Steen

Surface Townley Treadway Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 022

Auer Copeland Daniels 41 Fritts Gaston

Goward Hand Kennedy Kissell Luetkenhaus

Lumpe Overschmidt Purgason Ransdall Reinhart

Reynolds Ridgeway Robirds Sallee Scheve

Stokan Thompson 37

VACANCY: 001

Representative Scheve declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: David Dolginow, Adam Hugo, P. J. Mingas, Andy Pence, David Andrew Kirksey, Matt Zurheide, Lisa Kram, David Andress, Dani Moranville and Tim Huber.

**RESOLUTIONS**

Representative Davis (122) offered House Resolution No. 538, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hohulin offered House Resolution Nos. 539 and 540, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 541, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HS HCS HB 335 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 487, HB 547, HB 817, HB 827** and **HB 402**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HB 13, with House Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, House Committee Amendment No. 1 was adopted.

Representative Green offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 13, Page 8, Section 13.135, Line 5, by deleting said line and inserting in lieu thereof the following: "From General Revenue Fund $558,097"

On motion of Representative Green, House Amendment No. 1 was adopted.

On motion of Representative Green, **HB 13, as amended,** was ordered perfected and printed.

**HB 17**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 17** was ordered perfected and printed.

**HB 19**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 19** was ordered perfected and printed.

**PERFECTION OF HOUSE BILLS - FEDERAL MANDATE**

**HCS HB 288**, relating to public drinking water, was taken up by Representative Lumpe.

Representative Lumpe offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 288, Page 10, Section 644.122, Line 4, by adding at the end of said line the following: "**Moneys received for the drinking water state revolving fund shall be used for the purposes identified in the federal Safe Drinking Water Act as amended and shall be accounted for separately.**".

On motion of Representative Lumpe, House Amendment No. 1 was adopted.

On motion of Representative Lumpe, **HCS HB 288, as amended,** was adopted.

On motion of Representative Lumpe, **HCS HB 288, as amended,** was ordered perfected and printed.

**HB 58**, relating to motor vehicle records, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), **HB 58** was ordered perfected and printed.

**THIRD READING OF SENATE BILL**

**SCS SB 430, with House Committee Amendment No. 1**, relating to community corrections, was taken up by Representative Crump.

Representative Crump offered House Substitute Amendment No. 1 for House Committee Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 430, Page 4, Section 5, Line 48, by inserting after said line the following:

**"(2) In referring offenders to local volunteer community boards for probation supervision pursuant to this section, the court is encouraged to select those volunteers who live in close geographical proximity to the community in which the crime is alleged to have occurred for supervision purposes.**"; and

further amend said section, Line 49, by striking the following: "(2)," and inserting in lieu thereof the following: "**(3)**".

On motion of Representative Crump, House Substitute Amendment No. 1 for House Committee Amendment No. 1 was adopted.

Representative Froelker offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 430, Page 1, In the Title, Line 5, by inserting after the word "sections" the following: "and with a termination date for a certain section"; and

Further amend said bill, Page 3, Section 217.440, Line 8, by inserting at the end of said line the following: "**The provisions of this section shall terminate December 31, 2000.**"; and

Further amend said bill, Page 4, Section 217.777, Line 39, by deleting the word "**In**" and inserting in lieu thereof the following: "**Until December 31, 2000, in**".

On motion of Representative Froelker, House Amendment No. 1 was adopted.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 430, Page 10, Section B, Line 7, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 2 was adopted.

On motion of Representative Crump, **SCS SB 430, as amended,** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Farmer Hand Kissell O'Toole

Reynolds Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 132

Alter Backer Ballard Barry 100 Bartelsmeyer

Bauer Bennett 15 Bland Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Cierpiot Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 122 Days DeMarce

Dolan Donovan Dougherty Elliott Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald O'Connor Ostmann Overschmidt

Parker Pouche Pryor Ransdall Reinhart

Relford Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Stokan Stoll Stroker Summers

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Wannenmacher Wiggins Williams 159 Wilson

Wooten Mr. Speaker

NOES: 017

Akin Barnett 4 Berkstresser Boatright Chrismer

Crawford Edwards-Pavia Enz Gaston Gibbons

Hohulin Holand Loudon Patek Purgason

Richardson Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Champion Davis 63 Hand Kissell

O'Toole Reynolds Secrest Steen Surface

Thompson 37 Vogel Williams 121

VACANCY: 001

On motion of Representative Campbell, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE JOINT RESOLUTIONS**

**HCS HJRs 13 and 6**, relating to bingo, was taken up by Representative Scheve.

Representative Green resumed the Chair.

Representative Legan offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution Nos. 13 and 6, Page 2, Section 39A, Line 13, by striking the word "and"; and

Further amend said bill, Line 14, Page 2, by removing the opening bracket; and

Further amend said bill by placing an opening bracket at the beginning of line 35

Representative Legan moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 072

Alter Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Clayton Cooper Crawford
Dolan Edwards-Pavia Elliott Enz Evans
Foster Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Griesheimer Gross Hall
Hartzler 124 Hegeman Hendrickson Hohulin Holand
Howerton Kasten Kelley 47 Lawson Legan
Levin Linton Lograsso Long Loudon
Luetkenhaus Marble McClelland Miller Naeger
Nordwald Ostmann Patek Pouche Pryor
Purgason Reinhart Richardson Ridgeway Robirds
Ross Sallee Schwab Scott Secrest
Shields Steen Summers Surface Townley
Vogel Wannenmacher

NOES: 081

Backer Barry Bauer Bland Bonner
Boucher Bray Campbell Carter Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Farmer
Farnen Fitzwater Foley Ford Franklin
Fritts Goward Gratz Green Gunn
Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hickey
Hollingsworth Hoppe Johnson Kauffman Kelly 27
Kennedy Koller Kreider Lakin Leake
Liese Lumpe May 108 Mays 50 McBride

McLuckie Monaco Murphy Murray O'Connor

Overschmidt Parker Ransdall Relford Rizzo

Scheve Schilling Seigfreid Shear Sheldon 104

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Tate Thomason 163 Thompson 37 Treadway

Van Zandt Wiggins Williams 159 Wilson Wooten

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Cierpiot Hand Hosmer Kissell

O'Toole Reynolds Troupe Williams 121

VACANCY: 001

On motion of Representative Scheve, **HCS HJRs 13 and 6** was adopted.

On motion of Representative Scheve, **HCS HJRs 13 and 6** was ordered perfected and printed.

Speaker Pro Tem Kreider resumed the Chair.

**HCS HJR 14**, relating to water pollution bonds, was taken up by Representative Days.

Representative Tate offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 14, Page 2, Section 37 (e), Line 15 by placing brackets around the word "planning,"; and

Further amend said bill, Page 2, Section 37 (e), Line 16 by placing brackets around the words "and for program administration"; and

Further amend said bill, Page 4, Section 37 (g), Line 11 by deleting the word "**planning,**"; and

Further amend said bill, Page 4, Section 37 (g), Line 14 by deleting the words "**and for program administration**"; and

Further amend said bill, Page 6, Section 37 (h), Line 11 by deleting the word "**planning,**"; and

Further amend said bill, Page 8, Section 37 (i), Line 11 and 12 by deleting the word "**planning,**"; and

Further amend said bill, Page 8, Section 37 (g), Line 13 and 14 by deleting the words "**and for program administration**".

On motion of Representative Tate, House Amendment No. 1 was adopted.

Representative Cooper offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Joint Resolution No. 14, Page 4, Section 37(g), Line 4, by inserting after the word "hundred" the words "**twenty five**"; and

Further amend Line 8, by striking the word "law" and inserting in lieu thereof the following: "**chapter 644 RSMo**"

On motion of Representative Cooper, House Amendment No. 2 was adopted.

Representative Burton offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Joint Resolution No. 14, Page 6, Section 37(g)-6, Line 79, by deleting the number ten (10) and inserting the number fifty (50)

On motion of Representative Burton, House Amendment No. 3 was adopted.

On motion of Representative Days, **HCS HJR 14, as amended,** was adopted.

On motion of Representative Days, **HCS HJR 14, as amended,** was ordered perfected and printed.

**THIRD READING OF HOUSE BILL**

**HS HCS HB 335**, relating to managed care, was taken up by Representative Harlan.

On motion of Representative Harlan, **HS HCS HB 335** was read the third time and passed by the following vote:

AYES: 135

Akin Alter Backer Barnett Barry

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Koller

Kreider Lawson Leake Legan Levin

Liese Long Luetkenhaus May 108 McBride

McClelland McLuckie Miller Monaco Murphy

Murray Naeger O'Connor Ostmann Overschmidt

Parker Pryor Reinhart Relford Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Steen Stokan Stoll Stroker

Summers Tate Thomason 163 Townley Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Williams 159 Wilson Wooten Mr. Speaker

NOES: 019

Ballard Burton Crawford Elliott Gaston

Gunn Hohulin Lakin Linton Lograsso

Loudon Mable Nordwald Patek Pouche

Purgason Smith Surface Treadway

PRESENT: 001

Lumpe

ABSENT WITH LEAVE: 007

Auer Hand Kissell Mays 50 O'Toole

Reynolds Thompson 37

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILL**

**HCS HB 738**, **with HS, as amended, pending**, relating to zero tolerance, was again taken up by Representative Hosmer.

Representative Crump offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 25, Line 18, by inserting after said line the following;

**"Section 3.1. All records and documents held by the director of revenue which are related to an administrative determination made pursuant to 302.505, RSMo, shall after 180 days, be confidential and not open to the public if it is the person's first offense and the person has received a suspended imposition of sentence. Any records or documents which are confidential and not open to the public pursuant to this section shall be made available to any requesting court, government agency, law enforcement agency and may be used by the department of revenue for penalty enhancement purposes as prescribed in section 302.525, RSMo; and**

**2. In order for a person's record to remain closed pursuant to subsection 1 of this section, such person shall provide a certified copy of the judgment of the court issuing a suspended imposition of sentence to the department of revenue.**

**Section 4. Upon the issuance of a suspended imposition of sentence for an alcohol related traffic offense, the issuing court shall upon request provide a certified copy of the judgement to the offender."**

FURTHER AMEND TITLE AND ENACTING CLAUSE ACCORDINGLY

On motion of Representative Crump, House Amendment No. 3 was adopted.

Representative Alter offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the Title, Line 6, by deleting the word "nine" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the words "penalty provisions and"; and

Further amend said bill, Page 1, Section A, Line 13, by deleting the word "nine" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the figures and words "577.041, 1 and 2" and inserting in lieu thereof the figures and words "577.041 and 1"; and

Further amend said bill, Page 11, Section 565.024, Line 17 and 18, by deleting the figures and words "[he: (1)] **The person** recklessly" and inserting in lieu thereof the figures and words "[he] **the person**: (1) Recklessly"; and

Further amend said bill, Page 11, Section 565.024, Line 19, by deleting the bracket "[" immediately after the word "person"; and

Further amend said bill, Page 11, Section 565.024, Line 22, by deleting the bracket "]" immediately after the word "person"; and

Further amend said bill, Page 15, Section 577.023, Lines 3 and 4, by deleting the words "**vehicular manslaughter by an intoxicated person pursuant to section 1 of this act,**"; and

Further amend said bill, Page 15, Section 577.023, Line 19, by inserting the word "**or**" immediately before the word "**assault**"; and

Further amend said bill, Page 15, Section 577.023, Lines 21 and 22, by deleting the words "**RSMo, or vehicular manslaughter by an intoxicated person pursuant to section 1 of this act;**" and inserting in lieu thereof the following: "**RSMo;**"; and

Further amend said bill, Page 25, Section 1, Lines 5 through 12, by deleting all of said lines; and

Further amend said bill, Page 25, Section 2, Line 13, by deleting the word and figure "**Section 2.**" and inserting in lieu thereof the word and figure "**Section 1.**".

Representative Alter moved that House Amendment No. 4 be adopted.

Which motion was defeated by the following vote:

AYES: 043

Akin Alter Ballard Barnett 4 Bartelsmeyer

Berkstresser Boatright Champion Clayton Crawford

Dolan Evans Froelker Gibbons Green

Griesheimer Hall Hartzler 123 Hegeman Hohulin

Howerton Kauffman Kreider Leake Levin

Linton Loudon Miller Murphy Naeger

Pouche Purgason Reinhart Ridgeway Robirds

Sallee Sheldon 104 Shields Steen Townley

Treadway Vogel Wooten

NOES: 103

Backer Barry 100 Bauer Bennett 15 Bland

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Chrismer Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Edwards-Pavia Elliott

Enz Farmer Farnen Fitzwater Ford

Foster Franklin Fritts Gaskill Gaston

Goward Graham 24 Graham 106 Gross Gunn

Hagan-Harrell Harlan Hartzler 124 Heckemeyer Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Johnson Kelley 47 Kelly 27 Kennedy Koller

Lakin Lawson Legan Liese Lograsso

Luetkenhaus Lumpe Marble May 108 McBride

McClelland McLuckie Monaco Murray Nordwald

O'Connor Ostmann Overschmidt Parker Patek

Pryor Ransdall Relford Richardson Rizzo

Ross Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Shelton 57 Skaggs

Smith Stokan Stoll Stroker Summers

Surface Thomason 163 Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Cierpiot Dougherty Foley Gratz

Hand Kasten Kissell Long Mays 50

O'Toole Reynolds Tate Thompson 37 Troupe

Van Zandt

VACANCY: 001

Representative Burton offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the Title, Line 2, by inserting immediately after the word "sections" the following: "302.291, 302.292,"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "nine" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, In the Title, Lines 7 and 8, by deleting the words "penalty provisions and an emergency clause." and inserting in lieu thereof the words "penalty provisions, an emergency clause and an effective date for certain sections."; and

Further amend said bill, Page 26, Section B, Line 4, by inserting immediately after all of said line the following:

"Section C. Sections 302.291 and 302.292, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.291 and 302.292, to read as follows:

302.291. **1.** The director, having good cause to believe that an operator is incompetent or unqualified to retain his license, after giving ten days' notice to such person in writing by [registered] **certified** mail directed to his present known address, may require him to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the licensee to retain his license, may **deny,** suspend or revoke the license of the licensee, or may issue to the examinee a license subject to restrictions as provided in section 302.301. **If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the licensee to submit to further periodic examinations.** The refusal or neglect of the [operator] **licensee** to submit to [such] **an** examination **within thirty days after the date of such notice** shall be [ground] **grounds** for suspension or revocation of his license by the director, an associate circuit or circuit court.

**2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and mental acuity and, if appropriate, a physical and/or mental examination as provided in section 302.173.**

**3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain his license on the basis of a report by a law enforcement officer, a physician licensed under chapter 334, RSMo, or any family members who have reached the age of twenty-one or court appointed legal guardians. The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor**

**vehicle. The report must be based upon personal observation or physical evidence which shall be described in the report, or upon an investigation of a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report.**

**4. Any physician licensed under chapter 334, RSMo, may report to the department any patient diagnosed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by a physician.**

**5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue under this section shall be kept confidential except for litigation purposes upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311.**

**6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses under this section.**

**7. The department of revenue shall, in consultation with the medical advisory board established under section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers under this section. The guidelines shall be published and adopted as required for rules and regulations under chapter 536, RSMo. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section.**

**8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.**

**9. Any person who intentionally files a false report under this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.**

**10. All appeals of license revocations, suspensions and restrictions shall be made within thirty days after mailing of the notice as required pursuant to section 302.311.**

302.292. **1. In order to advise the director of revenue on medical criteria for the reporting and examination of drivers with medical impairments, a medical/vision advisory board is hereby established within the department of revenue. The board shall be composed of three members appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of revenue. The members of the board shall be licensed physicians and residents of this state. Of the original appointees, one shall serve for a term of two years and two shall serve for terms of four years. Subsequent appointees shall each serve for a term of four years or until their successors are appointed and approved. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term. The members of the board shall receive no compensation for their services and shall not hire any staff personnel but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. After the first full year of operation of the advisory board, the board shall meet no more than four times per year.**

**2.** No civil or criminal action shall lie against any member of the medical/vision advisory board of the department of revenue who acts in good faith in advising the department under the provisions of this chapter. Good faith shall be presumed on the part of members of the medical/vision advisory board in the absence of a showing of fraud or malice.

**3. The department of public safety shall establish within its division of highway safety an educational program pertaining to the reporting of impaired drivers. The program shall use department of revenue licensing offices, publications and cooperation with community organizations to inform the public and health care professionals of the following:**

**(1) Problems involving impaired drivers on Missouri roadways;**

**(2) The procedures for reporting motor vehicle drivers who because of physical limitations or mental acuity are unable to operate a motor vehicle in a safe manner; and**

**(3) The availability of alternative transportation to persons who are unable to drive because of physical or mental disabilities.**

**4. The department of public safety shall adopt rules and regulations as required under chapter 536, RSMo, as necessary to carry out its duties under this section.**

Section D. The provisions of this act shall become effective on January 1, 1998.".

Representative Smith raised a point of order that House Amendment No. 5 is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Schilling offered House Amendment No. 1 to House Amendment No. 5.

Representative Lograsso raised a point of order that House Amendment No. 1 to House Amendment No. 5 is in the third degree.

The Chair ruled the point of order well taken.

Representative Burton moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 022

Akin Bartelsmeyer Bennett 15 Berkstresser Burton

Evans Hartzler 123 Hartzler 124 Kasten Kauffman

Legan Linton Loudon Miller Ostmann

Ridgeway Sallee Steen Stokan Summers

Surface Townley

NOES: 122

Alter Backer Ballard Barnett 4 Barry 100

Bauer Bland Boatright Bonner Boucher

Bray 84 Broach Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hall Hegeman

Hendrickson Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kelley 47 Kelly 27 Kennedy

Lakin Lawson Leake Levin Liese

Lograsso Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Monaco

Murphy Murray Naeger Nordwald Overschmidt

Parker Patek Pouche Pryor Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Stoll

Stroker Tate Thomason 163 Treadway Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Auer Donovan Hagan-Harrell Hand Harlan

Heckemeyer Hickey Hohulin Kissell Koller

Kreider Long O'Connor O'Toole Purgason

Thompson 37 Troupe Vogel

VACANCY: 001

Representative Edward-Pavia offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the Title, Line 2, by deleting the word and figures "565.024 and 577.023," and inserting in lieu thereof the word and figures "302.525, 565.024 and 577.023,"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 11, by deleting the word and figures "565.024 and 577.023," and inserting in lieu thereof the word and figures "302.525, 565.024 and 577.023,"; and

Further amend said bill, Page 1, Section A, Line 13, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 14, by inserting immediately after the figure "302.505," the figure "302.525,"; and

Further amend said bill, Page 10, Section 302.505, Line 13, by inserting immediately after said line the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol related enforcement contacts during the immediately preceding five years, the period of suspension shall be**:**

**(a)** Thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege issued by the director of revenue**, if the person had a blood alcohol concentration of less than fifteen-hundredths; and**

**(b) Sixty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege issued by the director of revenue, if the person had a blood alcohol concentration of fifteen-hundredths or more.**

**The restricted driving privilege shall be issued** for the limited purpose of driving in connection with the person's business, occupation, or employment, and to and from an alcohol education or treatment program. The restricted driving privilege shall not be issued until [he or she] **the person** has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol related enforcement contacts during the immediately preceding five years.

3. For purposes of this section, "alcohol related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012, RSMo, or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol related traffic offense, both the suspension or revocation under this section and any other suspension or revocation under this chapter shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation imposed under this chapter, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.".

Representative Edwards-Pavia moved that House Amendment No. 6 be adopted.

Which motion was defeated.

Representative Patek offered House Amendment No. 7.

House Amendment No. 7 was withdrawn.

Representative Naeger offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 14, Section 577.020, Line 6, by deleting lines 6-9, and inserting in lieu thereof the following:

**"Any person given a chemical test of the person's breath pursuant to subsection 1 of this section shall be videotaped during any such test at the direction of the [arresting] law enforcement officer or a field sobriety test may be videotaped during any such test at the direction of the [arresting] law enforcement officer. Any such video recording"**

Representative Naeger moved that House Amendment No. 7 be adopted.

Which motion was defeated.

Representative Bennett offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the Title, Line 6 of said page, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting "and 2" and inserting in lieu thereof ", 2 and 3"; and

Further amend said bill, Page 25, Section 2, Line 18 of said page, by inserting after all of said line the following:

"**Section 3. Notwithstanding any provision of law to the contrary, all persons arrested for an alcohol related driving offense shall be tried in the circuit court of such county.**".

Representative Bennett offered House Substitute Amendment No. 1 for House Amendment No. 8.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the Title, Line 6 of said page, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting "and 2" and inserting in lieu thereof ", 2 and 3"; and

Further amend said bill, Page 25, Section 2, Line 18 of said page, by inserting after all of said line the following:

"**Section 3. Notwithstanding any provision of law to the contrary, all persons arrested for an alcohol related driving offense in any county of the first classification with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall be tried in the circuit court of such county.**".

Representative Skaggs assumed the Chair.

Representative Bennett moved that House Substitute Amendment No. 1 for House Amendment No. 8 be adopted.

Which motion was defeated.

House Amendment No. 8 was withdrawn.

Representative Bland offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 738, Page 1, In the title, Line 3, by inserting after the figure "302.505," the following: "302.535,"; and

Further amend said bill, Page 1, In the title, Line 6, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after the figure "302.505," the following: "302.535,"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word "nine" and inserting in lieu thereof the word "ten"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by inserting after the figure "302.505," the following: "302.535,"; and

Further amend said bill, Page 7, Section 302.309, Line 12 of said page, by inserting after the word "if" the following: "[such]**:**

**a. Such**"; and

Further amend said bill, Page 7, Section 302.309, Line 13 of said page, by inserting after the word "revocation" the following: "**; or**

**b. Such person seeks to obtain a limited driving privilege pursuant to paragraph (a) of subdivision (2) of subsection 3 of this section**"; and

Further amend said bill, Page 8, Section 302.309, Line 5 of said page, by inserting after the word "if" the following: "[such]**:**

**a. Such**"; and

Further amend said bill, Page 8, Section 302.309, Line 7 of said page, by inserting after the word "revocation" the following: "**; or**

**b. Such person seeks to obtain a limited driving privilege pursuant to paragraph (a) of subdivision (2) of subsection 3 of this section**"; and

Further amend said bill, Page 10, Section 302.505, Line 13 of said page, by inserting after all of said line the following:

302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536, RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The

case shall be decided by the judge sitting without a jury. The presiding judge of the circuit court may assign a traffic judge, pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's [business, occupation, employment, or] formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. **Further, upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation or employment shall be issued by the department.** Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license.

Representative Bland moved that House Amendment No. 8 be adopted.

Which motion was defeated.

On motion of Representative Hosmer, **HS HCS HB 738, as amended,** was adopted.

On motion of Representative Hosmer, **HS HCS HB 738, as amended,** was ordered perfected and printed.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 58** - Budget (Fiscal Note)

**HS HCS HB 472** - Budget (Fiscal Note)

**REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 329** - Miscellaneous Bills and Resolutions

**HR 345** - Miscellaneous Bills and Resolutions

**HR 497** - Miscellaneous Bills and Resolutions

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SB 97** - Public Health and Safety

**SS SB 120** - Motor Vehicle and Traffic Regulations

**SS SB 361** - Children, Youth and Families

**SB 459** - Miscellaneous Bills and Resolutions

**SB 187** - Education - Elementary and Secondary

**SS SCS SB 165** - Commerce

**SB 243** - Critical Issues

**SCS SB 257** - Criminal Law

**SB 303** - Local Government and Related Matters

**SB 353** - Tourism, Recreation and Cultural Affairs

**COMMITTEE REPORTS**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 741**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HB 238**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 9, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-eighth Day, Monday, April 7, 1997, pages 925 and 926, roll call, by showing Representatives Davis (63) and Williams (159) voting "aye" rather than "absent with leave".

Page 931, roll call, by showing Representative Ransdall voting "aye" rather than "no".

Page 931, roll call, by showing Representative Thomason (163) voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Wednesday, April 9, 1997, 8:30 am. Hearing Room 4.

AGRICULTURE

Wednesday, April 9, 1997, 9:00 am. Hearing Room 8. Executive session on

bills previously heard. CORRECTED

To be considered - SB 357

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 9, 1997, 1:00 pm. Hearing Room 9. Executive session.

To be considered - SB 148

BUDGET

Wednesday, April 9, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HJR 25, HB 877

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 9, 1997, 8:00 am. Hearing Room 5.

To be considered - SB 38, SB 220, HB 859

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 9, 1997. Hearing Room 1 upon morning adjournment.

Executive session to follow.

To be considered - SB 265, SB 249

CONSUMER PROTECTION

Thursday, April 10, 1997, 9:00 am. Hearing Room 7. Executive session.

CRIMINAL LAW

Wednesday, April 9, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - HB 883, HB 861, HB 858, HB 807, SB 133, SB 347, SB 215

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, April 10, 1997, 8:30 am. Hearing Rooms 1 and 2.

To be considered - Executive Session - HB 384, Executive Session - SB 468

EDUCATION - HIGHER

Wednesday, April 9, 1997, 1:00 pm. Hearing Room 8. Executive session may follow.

To be considered - HB 867, SB 346

JUDICIARY

Thursday, April 10, 1997, 9:15 am. Hearing Room 8.

To be considered - Executive Session - SB 56, Executive Session - SB 170,

Executive Session - SB 142, SB 169

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 9, 1997, 9:00 am. Hearing Room 7. Executive session.

To be considered - HR 409, HCR 28, SB 242, SB 29

RETIREMENT

Wednesday, April 9, 1997, 8:00 pm. Hearing Room 2. Executive session may follow.

To be considered - SB 362, SB 389

TRANSPORTATION

Wednesday, April 9, 1997, 1:00 pm. Hearing Room 5. Executive session to follow.

To be considered - HCR 29, SB 140

**HOUSE CALENDAR**

FIFTIETH DAY, WEDNESDAY APRIL 9, 1997

**HOUSE BILLS FOR PERFECTION**

1 HB 338 - Gunn

2 HCS HB 369 - Clayton

3 HB 660 - Lumpe

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HB 304, HCA 1 - Ransdall

6 HCS HB 276 - Davis (122)

7 HB 766, HCA 1 - Harlan

8 HCS HB 69 & 179 - Hosmer

9 HB 301, HCAs 1 & 2 - Lumpe

10 HB 389, HCA 1 - Luetkenhaus

11 HCS HB 396 - Hosmer

12 HCS HB 146 - Scheve

13 HCS HB 214 - Thomason (163)

14 HCS HB 748 & 605 - McLuckie

15 HB 811, HCA 1 - Lakin

16 HB 373 - Kreider

17 HB 105, HCA 1 - Copeland

18 HB 129 - Shear

19 HCS HB 664 - Ross

20 HCS HB 474 - Smith

21 HCS HB 696 - Days

22 HCS HB 451 - Wiggins

23 HB 777 - Hosmer

24 HB 215, HCA 1 & 2 - Dougherty

25 HCS HB 697 - Relford

26 HCS HB 331 - O'Toole

27 HCS HB 349 - Farmer

28 HCS HB 595 - Koller

29 HCS HB 50 - Gratz

30 HCS HB 282 - Kissell

31 HB 232, HCA 1 - Dougherty

32 HCS HB 436 & 260 - Treadway

33 HCS HB 560 - Lakin

34 HB 266 - Stoll

35 HCS HB 206 - Koller

36 HCS HB 641 & 593 - Fitzwater

37 HB 262 - Murray

38 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

39 HCS HB 669 - Stroker

40 HB 513 - Clayton

41 HB 578 - Williams (121)

42 HB 702 - McLuckie

43 HB 376 - Leake

44 HCS HB 459 - Shelton (57)

45 HB 57 - Shear

46 HB 850 - Kelly (27)

47 HCS HB 723, 789 & 372 - Dougherty

48 HB 681 - Fitzwater

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

**HOUSE BILLS FOR PERFECTION - CONSENT**

(April 3, 1997)

HB 787 - Barry

HB 831 - Griesheimer

(April 7, 1997)

HB 772 - Barnett

**HOUSE BILL FOR THIRD READING**

HS HCS HB 472, (Budget Fiscal 4-8-97) - Luetkenhaus

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 487 - Parker

HB 547 - Gross

HB 817 - Hagan-Harrell

HB 827 - Hagan-Harrell

HB 402 - Naeger

**HOUSE CONCURRENT RESOLUTION**

HCR 19, (4-3-95 p. 915) - Patek

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HCS HR 340, (3-19-97, pg. 664) - Crump

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# House Journal

## First Regular Session, 89th General Assembly

FIFTIETH DAY, Wednesday, April 9, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

O God, You've surprised us! Just when we were becoming comfortable with the warm weather, getting our spring fever excuses prepared, and pulling out the summer clothes, you hide away the warmth and blow a cold breath across the skies - a gentle reminder that change is a constant - a constant in the weather and in our lives. Let his gentle reminder help us remember never to settle into something so firmly that we fail to be open to a new direction. Let it remind us that change and new vision are always just around the corner.

As the issues here are debated, discussed, and decided, may these representatives be open to voices other than their own. May their ears hear opinions other than their own. May they be guided by your wisdom, rather than that of the media or popular polls. In all things, Gracious God, reassure them of your providential care. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mike Lara, Miranda Christie, Shady David, Melanie Tobin, Josh Johnson, Josh Brown, Amber Hilterbran, Jessica Johnson, Jediah May Churchhill, Cassandra Davis, Andrew Davis, Mark Scott, Hannah Longworth-Mills, Allison Kanter, Tim Herron, John Odenwald, Kassi Pool, Erica Barnett, Leigh Buckley, Bryant Gilmore, Walt Schwarzenbach, Sade' Crawford, Mel Jackson, Ben Winkler, Edgar Degas, Edward Hopper, Hans Hoffman, Auguste Renoir, Mark McKinley, Justin Paschall, James Harris, Cindi Crangle, Chad Ledbetter, Leah Garcia, Cassandra Davis, Andrew Davis and Mark Scott.

The Journal of the forty-ninth day was approved as corrected.

**RESOLUTIONS**

Representative Surface offered House Resolution No. 542, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bauer offered House Resolution No. 543, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McClelland offered House Resolution Nos. 544 and 545, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative O'Connor offered House Resolution No. 546, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 547, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Dougherty offered House Resolution No. 548.

Representative Townley offered House Resolution Nos. 549 and 550, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gross offered House Resolution No. 551, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**RESOLUTION**

**HCS HR 340**, relating to deer permitting, was taken up by Representative Crump.

Representative Crump offered House Amendment No. 1.

Representative Backer raised a point of order that House Amendment No. 1 is out of order, in that it is changing the Resolution to a Remonstrance.

The Chair ruled the point of order well taken.

Representative Crump offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Resolution No. 340, located on page 664, of the House Journal for the Thirty-ninth day, Wednesday, March 19, 1997:

by adding after line 32 the following:

"NOW THEREFORE, BE IT RESOLVED, that all persons know the intent of this resolution was clearly to be a REMONSTRANCE."

Representative Backer raised a point of order that House Amendment No. 1 is out of order, in that it is not a Remonstrance.

The Chair ruled the point of order not well taken.

On motion of Representative Crump, House Amendment No. 1 was adopted.

On motion of Representative Crump, **HCS HR 340, as amended**, was adopted by the following vote:

AYES: 102

Barnett 4 Bauer Bennett 15 Bland Boatright

Bonner Boucher Broach Burton Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniels 41 Davis 63 Davis 122 DeMarce Dolan

Edwards-Pavia Elliott Enz Evans Farnen
Ford Franklin Froelker Gaston Gibbons
Goward Graham 24 Graham 106 Green Gross
Gunn Hall Hartzler 123 Hartzler 124 Heckemeyer
Hendrickson Hohulin Hollingsworth Hoppe Hosmer
Howerton Johnson Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Loudon Luetkenhaus Marble Mays 50 McBride
McLuckie Monaco Murray Naeger Nordwald
O'Toole Overschmidt Parker Patek Purgason
Reinhart Richardson Ridgeway Rizzo Ross
Sallee Scheve Schilling Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Smith
Steen Stokan Stoll Stroker Summers
Thomason 163 Townley Treadway Troupe Wannenmacher
Wiggins Williams 159

NOES: 051

Akin Alter Backer Ballard Barry 100
Bartelsmeyer Berkstresser Bray 84 Campbell Carter
Champion Chrismer Daniel 42 Days Donovan
Dougherty Farmer Fitzwater Foster Fritts
Gaskill Griesheimer Hagan-Harrell Hegeman Holand
Kasten Kauffman Kelley 47 Long Lumpe
May 108 McClelland Miller Murphy Ostmann
Pouche Pryor Ransdall Relford Reynolds
Robirds Schwab Shear Skaggs Surface
Tate Van Zandt Vogel Wilson Wooten
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Foley Gratz Hand Harlan
Hickey O'Connor Thompson 37 Williams 121

VACANCY: 001

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 13, HB 17, HB 19** and **HS HCS HB 472**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 487**, relating to victims rights, was taken up by Representative Parker.

On motion of Representative Parker, **HB 487** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Cooper Copeland Crawford

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Ford Foster Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Clayton Johnson

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Crump Foley Franklin Gratz
Green Hand Hickey Wiggins Williams 121

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Bland, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HB 547**, relating to social security numbers, was taken up by Representative Gross.

On motion of Representative Gross, **HB 547** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Griesheimer Gross
Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Crump Franklin Gratz Green
Hand Harlan Hickey Richardson Thompson 37
Townley Williams 121

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**HB 817**, relating to highway retirement, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **HB 817** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Holand Hollingsworth

Hoppe Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Gratz Hand Hickey Hosmer

Lakin Richardson Thompson 37 Williams 121 Wilson

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Johnson, title to the bill was agreed to.

Representative Heckemeyer moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HB 827**, relating to school retirement, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **HB 827** was read the third time and passed by the following vote:

AYES: 136

Backer Ballard Barnett 4 Barry 100 Bartelsmeyer
Bauer Berkstresser Bland Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Holand Hollingsworth Hoppe
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Lograsso Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stoll Stroker Summers Surface
Thomason 163 Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 159 Wilson Wooten
Mr. Speaker

NOES: 017

Akin Alter Bennett 15 Boatright Chrismer
Edwards-Pavia Enz Evans Hall Hendrickson
Hohulin Levin Linton Loudon Murphy
Purgason Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Copeland Hand Hickey Hosmer
Stokan Tate Thompson 37 Williams 121

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**HB 402**, relating to sewage system inspection, was taken up by Representative Naeger.

On motion of Representative Naeger, **HB 402** was read the third time and passed by the following vote:

AYES: 145

Alter Backer Ballard Barnett 4 Bartelsmeyer
Bauer Bennett 15 Berkstresser Bland Boatright
Bonner Bray 84 Broach Burton Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand
Hollingsworth Hoppe Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Miller Monaco
Murphy Murray Naeger O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stoll
Stroker Summers Surface Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Akin Auer Barry 100 Boucher Farmer
Hand Harlan Hickey Hosmer Kennedy
Luetkenhaus Nordwald Ridgeway Stokan Tate
Thompson 37 Williams 121

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILL**

**HB 338**, relating to telephone operator access, was taken up by Representative Gunn.

Representative Scott offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 338, Page 1, Section 1, Line 7, by adding after the last line the following:

"No department of state government may use a telecommunication system which takes more than two caller actions to reach a live operator."

Representative Gunn raised a point of order that House Amendment No. 1 is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Loudon offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Bill No. 338, Page 1, Section 1, Line 7, by adding after said line the following:

4. The provisions of this act shall also apply to all Missouri State Government and State University information lines, except that lines expressly dedicated to limited information, commonly known as "hot lines" shall not be included.

Representative Loudon moved that House Substitute Amendment No. 1 for House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Naeger offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 338, Page 1, Section 1, by inserting after the word "government", the following: "state agency or state institution"

Representative Gunn raised a point of order that House Amendment No. 1 is dilatory.

The Chair ruled the point of order not well taken.

Representative Naeger moved that House Amendment No. 1 to House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Scott moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Froelker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 338, Page 1, Section 1, Line 3, by inserting after the word "A" the word "competitive"

Representative Froelker moved that House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative Gunn, **HB 338** was ordered perfected and printed by the following vote:

AYES: 098

Backer Barry 100 Bauer Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Chrismer Clayton Cooper
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Farmer Farnen Fitzwater
Foley Fritts Goward Graham 24 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hartzler 123 Hartzler 124 Hollingsworth Johnson Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Levin Liese
Luetkenhaus Lumpe Marble May 108 Mays 50
McClelland McLuckie Monaco Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker
Ransdall Reinhart Relford Reynolds Rizzo
Sallee Scheve Schilling Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Skaggs Smith
Stokan Stoll Stroker Surface Tate
Townley Treadway Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 043

Alter Ballard Barnett 4 Bartelsmeyer Bennett 15
Berkstresser Boatright Cierpiot Crawford Elliott

Enz Foster Froelker Gaskill Gaston

Gibbons Graham 106 Hegeman Hendrickson Hohulin

Holand Howerton Kelley 47 Legan Linton

Lograsso Miller Murphy Nordwald Patek

Pouche Pryor Purgason Richardson Ridgeway

Robirds Ross Schwab Scott Shields

Steen Summers Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 021

Akin Auer Evans Ford Franklin

Hall Hand Harlan Heckemeyer Hickey

Hoppe Hosmer Kasten Long Loudon

McBride Thomason 163 Thompson 37 Troupe Van Zandt

Vogel

VACANCY: 001

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HSA 1 for HCA 1, HA 1** and **HA 2 to SCS SB 430**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

**MOTION**

Representative Crump moved that the House refuse to recede from its position on **House Substitute Amendment No. 1 for House Committee Amendment No. 1, House Amendment No. 1 and House Amendment No. 2** to **SCS SB 430** and grant the Senate a conference.

Which motion was adopted.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brian Gaw, Lisa Godsey, Mike Henson and Natisha Burns.

**RESOLUTIONS**

Representative Boatright offered House Resolution No. 552, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution Nos. 553 and 554, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HJRs 13 & 6** and **HB 58**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**SCS SB 430, as amended**: Representatives Crump, Hosmer, Overschmidt, Townley and Griesheimer.

**PERFECTION OF HOUSE BILLS**

**HCS HB 369**, relating to uniform commercial code, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCS HB 369** was adopted.

On motion of Representative Clayton, **HCS HB 369** was ordered perfected and printed.

**HB 660**, relating to public employees, was taken up by Representative Lumpe.

Representative Bauer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 660, Page 1, Section 9.010, Line 3, by deleting the open and close brackets on said line.

Representative Bauer moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 052

Akin Alter Ballard Barry 100 Bartelsmeyer

Bauer Berkstresser Bland Bonner Boucher

Broach Chrismer Cierpiot Cooper Crump

Davis 63 Dougherty Edwards-Pavia Enz Evans

Foley Goward Griesheimer Gross Hohulin

Johnson Kelly 27 Kennedy Kreider Leake

Liese Lograsso Loudon May 108 Mays 50

Monaco Murphy Murray Naeger O'Toole

Overschmidt Pouche Reinhart Reynolds Rizzo

Secrest Sheldon 104 Shelton 57 Treadway Vogel

Wannenmacher Wiggins

NOES: 098

Backer Barnett 4 Bennett 15 Boatright Bray 84

Burton Campbell Carter Champion Clayton

Copeland Crawford Daniel 42 Davis 122 Days

DeMarce Dolan Donovan Elliott Farmer

Farnen Fitzwater Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 106 Gratz Green Gunn Hagan-Harrell

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hollingsworth Hoppe Howerton Kauffman Kelley 47

Kissell Koller Lakin Lawson Legan

Levin Linton Long Luetkenhaus Lumpe

Marble McBride McClelland McLuckie Miller

Nordwald O'Connor Ostmann Parker Patek

Pryor Purgason Ransdall Relford Richardson

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Shear Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Troupe Van Zandt Williams 121 Williams 159

Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Daniels 41 Graham 24 Hall Hand

Harlan Hickey Holand Hosmer Kasten

Ridgeway Thompson 37

VACANCY: 001

Representative Boatright offered House Amendment No. 2.

House Amendment No. 2 was withdrawn.

Representative Froelker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 660, Page 1, Section 9.010, Line 2, by deleting the opening bracket after the word "February"; and

Further amend said bill, Page 1, Section 9.010, Line 2, by deleting the closing bracket after the word "May".

Representative Froelker moved that House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Boatright offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 660, Page 1, Section 9.010, Line 1, by placing an opening end bracket before the second occurrence of the word "the" and a closing bracket after the first occurrence of the word "May".

Representative Boatright moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Wannenmacher offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Bill No. 660, Page 1, by amending Line 7, Section 36.350, by bracketing "two" and inserting in lieu thereof "three"

Representative Wannenmacher moved that House Amendment No. 4 be adopted.

Which motion was defeated.

On motion of Representative Lumpe, **HB 660** was ordered perfected and printed.

**HB 435, with House Committee Amendment Nos. 1, 2, 3, 4 and 5**, relating to economic development, was taken up and placed on the Informal Calendar.

**RECONSIDERATION**

Representative Boucher, having voted on the prevailing side, moved that the vote by which **HCS HB 100, as amended,** was defeated on Third Reading - Consent, be reconsidered.

Which motion was defeated by the following vote:

AYES: 072

Backer Barry 100 Bauer Bland Bonner

Boucher Bray 84 Campbell Carter Cooper

Daniels 41 Davis 63 Davis 122 Days Donovan

Dougherty Farmer Farnen Fitzwater Foley

Ford Franklin Fritts Goward Graham 24

Green Gunn Hagan-Harrell Harlan Holand

Hollingsworth Hoppe Hosmer Kauffman Kelly 27

Kennedy Kissell Kreider Lakin Lawson

Liese Luetkenhaus Lumpe May 108 Mays 50

McClelland McLuckie Monaco Murray O'Connor

O'Toole Ostmann Pouche Reynolds Rizzo

Scheve Schilling Secrest Seigfreid Shear

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Thompson 37 Troupe Van Zandt Williams 121

Wilson Mr. Speaker

NOES: 085

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Clayton Copeland

Crawford Crump Daniel 42 DeMarce Dolan

Edwards-Pavia Elliott Enz Evans Foster

Froelker Gaskill Gaston Gibbons Graham 106

Gratz Griesheimer Gross Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hohulin Howerton

Johnson Kelley 47 Koller Leake Legan

Levin Linton Lograsso Long Loudon

Marble McBride Miller Murphy Naeger

Nordwald Overschmidt Parker Patek Pryor

Purgason Ransdall Reinhart Relford Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Sheldon 104 Shields Steen Summers

Surface Tate Thomason 163 Townley Treadway

Vogel Wannenmacher Wiggins Williams 159 Wooten

PRESENT: 000

ABSENT WITH LEAVE: 005

Auer Hall Hand Hickey Kasten

VACANCY: 001

**PERFECTION OF HOUSE BILLS**

**HB 304, with House Committee Amendment No. 1**, relating to intereference with fishing, was taken up by Representative Ransdall.

On motion of Representative Ransdall, House Committee Amendment No. 1 was adopted.

On motion of Representative Ransdall, **HB 304, as amended,** was ordered perfected and printed.

**HCS HB 276**, relating to amusement ride safety, was taken up by Representative Davis (122).

Representative Skaggs offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 276, Page 2, Section 5, Line 3, by deleting the words "**or related electrical**"; and

Further amend said bill, Page 2, Section 5, Line 4, by deleting the word "**equipment**"; and

Further amend said bill, Page 2, Section 5, Line 7, by deleting the words "**or related electrical equipment**"; and

Further amend said bill, Page 3, Section 10, Line 20, by deleting the words "**except as permitted by the ride operator**"; and

Further amend said bill, Page 4, Section 11, Line 2, by deleting the word "**and**" and inserting in lieu thereof the word "**or**".

On motion of Representative Skaggs, House Amendment No. 1 was adopted.

Representative Smith offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 276, Page 1, Section 1, Line 14, by inserting after the word "rides;" the following: "**or**

**(c) Certified by the North American Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification**;"; and

Further amend said bill, Page 3, Section 7, Line 3, by inserting after the word "slides," the following:

**"waterslides operated by a municipal or county park and recreation department."**

Representative Patek offered House Substitute Amendment No. 1 for House Amendment No. 2.

Representative Smith raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 2 is not a true substitute amendment.

The Chair ruled the point of order well taken.

On motion of Representative Smith, House Amendment No. 2 was adopted.

Representative Luetkenhaus assumed the Chair.

Representative Patek offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 276, Page 1, Section 1, Line 16, by deleting the word "and"; and

Further amend said bill, Page 1, Section 1, Line 17, by inserting after the number "(8)" the following:

""**"Safety rules", the rules and regulations governing rider and conduct on an amusement ride, provided such rules and regulations are prominently displayed at or near the entrance to, or loading platform for, the amusement ride; and**

**(9)**"; and

Further amend said bill, Page 2, Section 3, Lines 9 and 10, by deleting all of said lines and inserting in lieu thereof the following: "**the failure or malfunction of an amusement ride and shall complete, as quickly as reasonably possible, the inspection and minimize the disruption of unrelated**"; and

Further amend said bill, Page 2, Section 3, Line 11, by inserting after the word "**activities.**" the following: "**Such inspection shall be completed immediately following the reasonable determination by the qualified inspector that a principal cause of the serious physical injury was the victim's failure to comply with the safety rules.**"; and

Further amend said bill, Page 3, Section 7, Line 3, by inserting after the word "**gates**" the phrase "**, whether or not located on a playground,**".

Representative Patek moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Kelly (27) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 276, Page 4, by adding immediately after said line, the following:

Section 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 4 was adopted.

On motion of Representative Davis (122), **HCS HB 276, as amended,** was adopted.

On motion of Representative Davis (122), **HCS HB 276, as amended,** was ordered perfected and printed.

**HB 766, with House Committee Amendment No. 1**, relating to state treasurer, was taken up by Representative Harlan.

On motion of Representative Harlan, House Committee Amendment No. 1 was adopted.

On motion of Representative Harlan, **HB 766, as amended,** was ordered perfected and printed.

Speaker Gaw resumed the Chair.

**HCS HBs 69 and 179**, relating to law enforcement arrest powers, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HCS HBs 69 and 179.**

Representative Hosmer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bills Nos. 69 & 179, Page 1, Section 70.820, Line 16, by inserting immediately after the word "**Any**" the following: "**law enforcement officer as defined by section 556.061, RSMo,**"; and

Further amend said bill, Page 3, Section 70.820, Line 11, by inserting immediately after the word "officer" the following: "**, law enforcement officer**".

On motion of Representative Hosmer, House Amendment No. 1 was adopted.

Representative Hoppe offered House Amendment No. 2.

House Amendment No. 2 was withdrawn.

Representative Tate offered House Amendment No. 2.

Representative Gross raised a point of order that House Amendment No. 2 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Hoppe offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, Page 4, Section 70.820, Line 22, by inserting immediately following said line the following:

"**Any peace officer certified pursuant to chapter 590, RSMo, or any federal law enforcement officer who is certified pursuant to chapter 590, RSMo, exercising the powers of arrest pursuant to subsections 1 and 5 of this section, section 544.216, RSMo, and any other arrest powers, who is not a commissioned peace officer of the law enforcement of the political subdivision in which such arrest is made shall be personally liable for any and all legal or tort actions arising from such arrest. The political subdivision where the arrest is made and any law**

**enforcement agency and law enforcement agency personnel responsible for keeping the peace in such political subdivision shall bear no liability for said arrest until such time as such agency personnel participate in such arrest or the person arrested is turned over to the custody to officials of the law enforcement agency of such political subdivision where said arrest was made."**

Representative Hoppe moved that House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Loudon offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, Page 5, Section 70.820, Line 10, by adding after all of said line the following:

70.825 Any Missouri Police department including the P.O.S.T. Commission shall have the authority to accept in lieu of state law enforcement training, federal law enforcement training.

Representative Monaco raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Loudon moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 070

Akin Ballard Barnett 4 Bartelsmeyer Bennett 15

Berkstresser Boatright Broach Champion Chrismer

Cierpiot Cooper Copeland Crawford Crump

Davis 63 Dolan Edwards-Pavia Enz Evans

Farnen Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gross Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Howerton Kauffman

Kelley 47 Kissell Lawson Levin Linton

Lograsso Loudon Luetkenhaus Marble McBride

McClelland Miller Murphy Nordwald Ostmann

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Robirds Ross Sallee

Scott Secrest Seigfreid Sheldon 104 Steen

Summers Thomason 163 Townley Wiggins Williams 159

NOES: 075

Alter Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Campbell Clayton

Daniel 42 Davis 122 Days DeMarce Donovan

Dougherty Elliott Farmer Fitzwater Foley

Franklin Fritts Graham 24 Gratz Green

Griesheimer Gunn Hagan-Harrell Harlan Heckemeyer

Holand Hollingsworth Hosmer Johnson Kelly 27

Kennedy Kreider Lakin Legan Liese

Long Lumpe May 108 Monaco Murray

Naeger O'Connor O'Toole Overschmidt Parker

Ransdall Relford Reynolds Rizzo Scheve

Schilling Schwab Shear Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Surface Tate Treadway Van Zandt Vogel

Wannenmacher Williams 121 Wilson Wooten Mr. Speaker

PRESENT: 001

Burton

ABSENT WITH LEAVE: 016

Auer Carter Daniels 41 Ford Goward

Hall Hand Hickey Hoppe Kasten

Koller Leake Mays 50 McLuckie Thompson 37

Troupe

VACANCY: 001

Representative Kissell offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, Page 1, In the Title, Line 2, by inserting immediately after the number "70.820" the following: "and 544.170"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the word "subject" the words ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Lines 8 to 10, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Sections 70.820 and 544.170, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 70.820 and 544.170, to read as follows:"; and

Further amend said bill, Page 5, Section 70.820, Line 10, by inserting after all of said line the following:

"544.170. **1. Except as provided in subsection 2 of this section,** all persons arrested and confined in any jail[, calaboose] or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or [other criminal] **misdemeanor** offense, or on suspicion thereof, shall be discharged from [said] **such** custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense; and every such person shall, while so confined, be permitted at all reasonable hours during the day to consult with counsel or other persons in [his] **such person's** behalf; and any person or officer who shall violate the provisions of this section, by refusing to release any person who shall be entitled to such release, or by refusing to permit [him] **such person** to see and consult with counsel or other persons, or who shall transfer any such prisoner to the custody or control of another, or to another place, or prefer against such person a false charge, with intent to avoid the provisions of this section, [shall be deemed] **is** guilty of a misdemeanor.

**2. All persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged felony violation of the criminal laws of this state or the United States, or other criminal offense which would amount to a felony, or on suspicion thereof, shall, notwithstanding the provisions of subsection 1 of this section, be discharged from such custody within thirty-two hours from the time of such arrest, unless charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense. Every such person shall, while so confined, be permitted at all reasonable hours during the day to consult with counsel or other persons in such person's behalf, and any person or officer who violates the provisions of this section by refusing to release any person who shall be entitled to such release, or by refusing to permit such person to see and consult with counsel or other persons, or who shall transfer any such prisoner to the custody or control of another, or to another place, or prefer against such person a false charge, with intent to avoid the provisions of this section, is guilty of a misdemeanor.**".

Representative Reynolds raised a point of order that House Amendment No. 4 is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Kissell, House Amendment No. 4 was adopted.

Representative Hartzler (124) offered House Amendment No. 5.

Representative Hosmer raised a point of order that House Amendment No. 5 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Hosmer, **HS HCS HBs 69 and 179, as amended,** was adopted.

On motion of Representative Hosmer, **HS HCS HBs 69 and 179, as amended,** was ordered perfected and printed.

**HB 301, with House Committee Amendments Nos. 1 and 2**, relating to state income tax was taken up by Representative Lumpe.

On motion of Representative Lumpe, House Committee Amendment No. 1 was adopted.

**HB 301, as amended, with House Committee Amendment No. 2, pending,** was laid over.

**HB 389, with House Committee Amendment No. 1**, relating to handicapped parking spaces, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus offered **HS HB 389.**

Representative Parker offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 389, Page 1, In the Title, Line 5 of said page, by deleting the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Lines 12 and 13 of said page, by deleting all of said lines and inserting in lieu thereof the following: "enacted in lieu thereof, to be known as sections 301.142, 301.143, 302.302 and 1, to read as follows:"; and

Further amend said bill, Page 19, Section 302.302, Line 21 of said page, by inserting immediately after all of said line the following:

"**Section 1. 1. Any person with a physical disability as defined in section 301.142, RSMo, may make application to the director of the department of public safety to be issued with notes of warning pursuant to this section and the director shall issue such notes upon a determination made pursuant to regulations promulgated by the director that the person is suitably qualified to be issued with the notes and has paid a fee to the director not to exceed fifty dollars.**

**2. The term "note of warning" as used in this section shall refer to a form to be prescribed by the director on which a person may record the make, model, license plate number and any other information the director deems suitable of a motor vehicle parked in a space or an access aisle reserved for the physically disabled in violation of section 301.142 or 301.143, RSMo.**

**3. The person issued with notes of warning pursuant to this section is authorized to attach such note in a manner prescribed by the director to the motor vehicle and may enter private property open to public use to attach the note.**

**4. Subsequent to attaching a note of warning, the person shall fill out a form to be prescribed by the director which shall contain information similar to the note and such person shall then forward the form to the appropriate county prosecutor.**

**5. The form, if containing all the information required by the director, shall create a presumption that the owner of the motor vehicle receiving such a note of warning is the person who parked the vehicle in violation of section 301.142 or 301.143, RSMo.**

**6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.**".

Representative Parker moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 063

Backer Barry 100 Bauer Bland Bonner

Boucher Campbell Copeland Davis 63 Davis 122

DeMarce Dougherty Farnen Fitzwater Foley

Franklin Fritts Graham 24 Graham 106 Gunn

Hagan-Harrell Heckemeyer Hollingsworth Hosmer Johnson

Kelly 27 Kennedy Kissell Kreider Lakin

Legan Liese Luetkenhaus Lumpe May 108
Mays 50 McBride Monaco Murray Naeger
O'Connor O'Toole Overschmidt Parker Patek
Ransdall Relford Reynolds Richardson Rizzo
Sallee Scheve Seigfreid Sheldon 104 Skaggs
Smith Stokan Stoll Thomason 163 Wiggins
Williams 121 Williams 159 Mr. Speaker

NOES: 080

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Bray 84 Broach
Burton Carter Champion Chrismer Cierpiot
Clayton Cooper Crawford Days Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farmer Foster Froelker Gaskill Gaston
Gibbons Gratz Griesheimer Gross Harlan
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin
Holand Howerton Kauffman Kelley 47 Lawson
Levin Linton Lograsso Loudon Marble
McClelland Miller Murphy Nordwald Ostmann
Pouche Pryor Purgason Reinhart Ridgeway
Robirds Ross Schilling Schwab Scott
Secrest Shear Shelton 57 Shields Steen
Stroker Summers Surface Tate Townley
Van Zandt Vogel Wannenmacher Wilson Wooten

PRESENT: 000

ABSENT WITH LEAVE: 019

Auer Crump Daniel 42 Daniels 41 Ford
Goward Green Hall Hand Hickey
Hoppe Kasten Koller Leake Long
McLuckie Thompson 37 Treadway Troupe

VACANCY: 001

**HB 389, with HS, pending,** was laid over.

**REFERRAL OF HOUSE JOINT RESOLUTIONS**

The following House Joint Resolution was referred to the Committee indicated:

**HCS HJR 14** - Budget (Fiscal Note)

**HJR 20** - Governmental Organization and Review

**RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

**HB 790** - Miscellaneous Bills and Resolutions

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 59** - Motor Vehicle and Traffic Regulations

**SCS SB 105** - Commerce

**SCS SB 191** - Environment and Energy

**SS SB 367** - Correctional and State Institutions

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which were referred **House Resolution Nos. 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 549, 550, 551, 552, 553,** and **554**, begs leave to report it has examined the same and recommends that they **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 409**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 409

**Whereas,** the members of the Missouri House of Representatives deem it both proper and necessary to maintain a cooperative relationship between our state's governmental bodies and the legal system; and

**Whereas,** the General Assembly has a long tradition of granting the use of its House and Senate Chambers for the purpose of official functions:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the Western District Federal Court of Missouri permission to use the House Chamber for the purpose of swearing in newly-licensed members of the Missouri Bar on Friday, May 2, 1997, from 10:00 a.m. until 11:30 a.m., and on Friday, October 17, 1997, from 10:00 a.m. until 11:30 a.m.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 28**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

HOUSE CONCURRENT RESOLUTION NO. 28

WHEREAS, in recent years, the rail transportation service provided by Amtrak between St. Louis and Kansas City has been jeopardized by low levels of patronage which have made the service unprofitable to Amtrak; and

WHEREAS, in order to rectify this situation, the State of Missouri has begun providing subsidies to Amtrak in order to keep the service from St. Louis to Kansas City operating at its current level; and

WHEREAS, on March 15, 1997, Amtrak refused to allow members of the Jackson County Wheelmen, a local bicycle club, and other area cyclists, to take their bicycles on the train from Independence to Sedalia, where they wished to ride on the KATY Trail; and

WHEREAS, Amtrak currently has regulations in place forbidding bicycles to be rolled on board its passenger trains in the Midwest due to concerns about space; and

WHEREAS, bicyclists have proposed two viable solutions to this problem of storage, the first of which involves hanging bicycles from a removable metal rack attached to the overhead luggage rack in the areas of the trains set aside for wheelchair riders, and the second of which involves disassembling the bicycles and placing them in a special bag to be stored inside the luggage rack; and

WHEREAS, cyclists wishing to board Amtrack in Missouri with their bicycles are seeking to take advantage of the Amtrak line's close proximity to the KATY Trail, where Amtrack could provide convenient access for cyclists to the trail at Sedalia, Jefferson City, Hermann, and Washington; and

WHEREAS, were Amtrak to revise its policy to allow cyclists to board passenger trains in the Midwest with their bicycles, the new service could substantially increase Amtrack's low usage and thereby save taxpayers money in the future; and

WHEREAS, the Missouri Department of Natural Resources has estimated that 300,000 people used the KATY Trail last year, a large portion of whom were cyclists; and

WHEREAS, last year, the State of Missouri subsidized Amtrak in the amount of $3.6 million, and Amtrack is again seeking a substantial state subsidy in 1997; and

WHEREAS, as a condition for the continued subsidization of Amtrack with taxpayer money, the company should make every reasonable effort to meet the needs and desires of its customers and potential customers as a means toward operating with a greater degree of efficiency and profitability:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby call upon Amtrack to modify its current policy in order to allow cyclists to bring their bicycles on board its passenger trains in Missouri; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Amtrak.

*House Committee Amendment No. 1*

AMEND House Concurrent Resolution No. 28, Page 1, Paragraph 5, by striking said paragraph and inserting in lieu thereof the following: "WHEREAS, bicyclists have proposed viable solutions to this problem of storage; and".

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SB 242**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Banks and Financial Institutions**, Chairman Copeland reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 148**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 375**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 34**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 318**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 398**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 416**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SB 146**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SB 310**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **HB 62**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 3**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 1 and Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 2, Section 3.020, Line 5, by deleting the number "873,400" and inserting in lieu thereof the number "903,400"

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 8, Section 3.095, Line 3, by deleting the number "3,675,400" and inserting in lieu thereof the number "3,745,400"; and

Further amend said bill, Page 10, Section 3.111, Line 4, by deleting the number "2,699,639" and inserting in lieu thereof the number "2,709,639" and

Further amend said section, Line 9, by deleting the number "2,928,620" and inserting in lieu thereof the number "2,938,620"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 4**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 5**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 25, Section 5.365, by deleting said section and inserting in lieu thereof the following new section:

"Section 5.365 To the Office of Administration

For paying the approved claims submitted by the county courts for the payment

of the costs in criminal cases, and for the transportation of convicted criminals

to the state penitentiaries as well as the costs for reimbursement of the expenses

associated with extradition, provided that such claims shall be reduced by any

amount paid by the state for office space or utility services due to the failure of

such city or county to comply with the provisions of section 600.040, RSMo.

From General Revenue Fund (0 F.T.E) $25,002,500 E"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 6**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 12, Section 6.084, Lines 3-4, by deleting said lines and inserting in lieu thereof the following new lines:

"General Revenue Fund, Three Hundred Fifty Thousand Dollars ($350,000) to the State Fair Fees Fund"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 8**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 8, Page 1, Section 8.005, Line 18, by deleting the number "2,096,522" and inserting in lieu thereof the number "2,092,453"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 9**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 1

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 9, Page 15, Section 9.500, Line 3, by deleting the number "13,394,152" and inserting in lieu thereof the number "13,416,160"; and

Further amend said section and line by inserting immediately after said line the following new line:

"Any salary adjustment other than the Governor's recommendation for Fiscal Year 1998 is subject to review and reclassification of probation and parole officers by the Division of Personnel"; and

Further amend said section, Line 7, by deleting the number "$23,659,335" and inserting in lieu thereof the number "$23,681,343"; and

Further amend said bill, Page 16, Section 9.505, Line 6, by deleting the number "$27,030,072" and inserting in lieu thereof the number "$28,040,940"; and

Further amend said section, Line 6, by inserting immediately after said line the following new line:

"Any salary adjustment other than the Governor's recommendation for Fiscal Year 1998 is subject to review and reclassification of probation and parole officers by the Division of Personnel"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 10**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 11**, entitled:

An act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS SB 430 as amended**: Senators Caskey, Scott, Mathewson, Klarich and Graves.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, April 10, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Forty-ninth Day, Tuesday, April 8, 1997, page 962, line 12, by deleting the name "Mable" and inserting in lieu thereof the name "Marble".

Page 972, line 23, by deleting "SCS SB 257" and inserting in lieu thereof "SCS SB 251".

Page 944, roll call, by showing Representative Hollingsworth voting "aye" rather than "absent with leave".

Page 946, roll call, by showing Representative Scheve voting "aye" rather than "absent with leave".

Pages 948 and 949, roll call, by showing Representative Scheve voting "aye" rather than "absent with leave".

Pages 949 and 950, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".

Pages 950 and 951, roll call, by showing Representatives May (108) and Champion voting "aye" rather than "absent with leave".

Pages 951 and 952, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".

Pages 952 and 953, roll call, by showing Representative Loudon voting "aye" rather than "no".

Pages 952 and 953, roll call, by showing Representative Stokan voting "aye" rather than "absent with leave".

Pages 953 and 954, roll call, by showing Representatives Scheve, Gaston, Ransdall, Stokan, and Fritts, voting "aye" rather than "absent with leave".

Pages 953 and 954, roll call, by showing Representatives Reinhart, Sallee and Robirds voting "no" rather than "absent with leave".

Pages 953 and 954, roll call, by showing Representative Smith voting "aye" rather than "no".

Page 958, roll call, by showing Representatives Champion, Surface, Davis (63) and Secrest voting "aye" rather than "absent with leave".

Pages 959 and 960, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".

Pages 959 and 960, roll call, by showing Representative Akin voting "aye" rather than Representative Alter voting twice.

Page 964, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Page 967, roll call, by showing Representative Summers voting "no" rather than "aye".

Page 967, roll call, by showing Representatives Kreider and Donovan voting "no" rather than "absent with leave".

Page 967, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

CONSUMER PROTECTION

Thursday, April 10, 1997, 9:00 am. Hearing Room 7. Executive session.

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, April 10, 1997, 8:30 am. Hearing Rooms 1 and 2.

To be considered - Executive Session - HB 384, Executive Session - SB 468

JUDICIARY

Thursday, April 10, 1997, 9:15 am. Hearing Room 8.

To be considered - Executive Session - SB 56, Executive Session - SB 170,

Executive Session - SB 142, SB 169

PUBLIC HEALTH AND SAFETY

Tuesday, April 15, 1997. Hearing Room 9 upon morning adjournment.

Executive session to follow.

To be considered - SB 97

TOURISM, RECREATION AND CULTURAL AFFAIRS

Tuesday, April 15, 1997, 9:00 am. Hearing Room 5. Executive session may follow.

To be considered - SB 353

URBAN AFFAIRS

Thursday, April 10, 1997, 9:00 am. Side gallery. Executive session may follow.

To be considered - HB 887

UTILITIES REGULATION

Thursday, April 10, 1997, 8:00 am. Hearing Room 5. No bills being heard.

Rep. Sheldon to give a report. Executive session may follow.

**HOUSE CALENDAR**

FIFTY-FIRST DAY, THURSDAY, APRIL 10, 1997

**HOUSE BILLS FOR PERFECTION**

1 HB 301, as amended, with HCA 2, pending - Lumpe

2 HB 389, HCA 1, with HS, pending - Luetkenhaus

3 HCS HB 396 - Hosmer

4 HCS HB 146 - Scheve

5 HCS HB 214 - Thomason (163)

6 HCS HB 748 & 605 - McLuckie

7 HB 811, HCA 1 - Lakin

8 HB 373 - Kreider

9 HB 105, HCA 1 - Copeland

10 HB 129 - Shear

11 HCS HB 664 - Ross

12 HCS HB 474 - Smith

13 HCS HB 696 - Days

14 HCS HB 451 - Wiggins

15 HB 777 - Hosmer

16 HB 215, HCA 1 & 2 - Dougherty

17 HCS HB 697 - Relford

18 HCS HB 331 - O'Toole

19 HCS HB 349 - Farmer

20 HCS HB 595 - Koller

21 HCS HB 50 - Gratz

22 HCS HB 282 - Kissell

23 HB 232, HCA 1 - Dougherty

24 HCS HB 436 & 260 - Treadway

25 HCS HB 560 - Lakin

26 HB 266 - Stoll

27 HCS HB 206 - Koller

28 HCS HB 641 & 593 - Fitzwater

29 HB 262 - Murray

30 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

31 HCS HB 669 - Stroker

32 HB 513 - Clayton

33 HB 578 - Williams (121)

34 HB 702 - McLuckie

35 HB 376 - Leake

36 HCS HB 459 - Shelton (57)

37 HB 57 - Shear

38 HB 850 - Kelly (27)

39 HCS HB 723, 789 & 372 - Dougherty

40 HB 681 - Fitzwater

41 HB 542 - Farnen

42 HCS HB 508 & 145 - Stokan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

**HOUSE BILLS FOR PERFECTION - CONSENT**

(April 3, 1997)

HB 787 - Barry

HB 831 - Griesheimer

(April 7, 1997)

HB 772 - Barnett

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 13 & 6 - Scheve

HCS HJR 14, (Budget Fiscal 4-9-97) - Days

**HOUSE BILLS FOR THIRD READING - APPROPRIATIONS**

HB 13 - Green

HB 17 - Lumpe

HB 19 - Lumpe

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 472, (Budget Fiscal 4-8-97) - Luetkenhaus

HS HCS HB 738, E.C. - Hosmer

**HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE**

HCS HB 288 - Lumpe

HB 58, (Budget Fiscal 4-8-97) - Thomason (163)

**HOUSE BILLS WITH SENATE AMENDMENTS**

1 SCS HCS HB 2 - Franklin

2 SCS HCS HB 3, as amended, - Franklin

3 SCS HCS HB 4 - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Tate

6 SCS HCS HB 8, as amended, - Franklin

7 SCS HCS HB 9, as amended, - Lakin

8 SCS HCS HB 10 - Carter

9 SCS HCS HB 11 - Lakin

**BILL IN CONFERENCE**

SCS SB 430, as amended, E.C. - Crump

**HOUSE CONCURRENT RESOLUTION**

HCR 19, (4-3-97 p. 915) - Patek

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

**COURTESY RESOLUTIONS**

HR 512 - O'Toole

HR 513 - Relford

HR 514 - McClelland

HR 515 - Long

HR 516, through 521 - Boucher

HR 522 - Reinhart

HR 523 - Akin

HR 524 - McBride

HR 525 - O'Toole

HR 526 - Summers

HR 527 - Kreider

HR 528 - Vogel

HR 529 - Richardson

HR 530 - Townley

HR 531 - Ballard

HR 532 - Williams (121)

HR 533 - Bartelsmeyer

HR 534 - Boatright

HR 535 - Ross

HR 536 - Bauer

HR 537 - Stoll

HR 538 - Davis (122)

HR 539, and 540 - Hohulin

HR 541 - Boucher

HR 542 - Surface

HR 543 - Bauer

HR 544, and 545 - McClelland

HR 546 - O'Connor

HR 547 - Howerton

HR 549, and 550 - Townley

HR 551 - Gross

HR 552 - Boatright

HR 553, and 554 - Cierpiot

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-FIRST DAY, Thursday, April 10, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

There's snow on the ground in April, the U.N. is arguing over parking tickets, and our electronic devices appear to be out to get us - O Lord, this world is full of disorderly chaos. And yet, we believe you are a God who can bring order out of chaos. Instill in us faith to trust that you have this world in control even if we don't understand it. Reassure our doubts and help us look at life without the filters of technology and cyberspace. Comfort our fears when things happen that are beyond our control. O God, you who created the heavens and the earth, are yet surely in charge of this planet we call home. Let us trust you in all things.

And now give these representatives safe passage to their homes through still another messy weather weekend, and bring them back to this place to complete the tasks at hand. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Hilary Yates, Casey Harper, Daniel Clark, Tiffany Stokes, Kayla Strodtman, Amanda Simmons, Tony Lackland, Eric Endsley, Stephanie Brooks, Echo Collins, James Vogt, Shawn Russo, Jed Battson, Alex Copeland, Chris Hedrick, Kate McGiness, Angel Bishop, Spencer Garner, Ashley Jackson, Arthur Swank, Katie Busch, David Scherer, Tom Applewhite, Alex Kerlick, Jertoria Phillips, Troy Dalton, Daryl Channel, Dlal Ibrahim, Stephanie Brooks, Todd Lazar, James Vogt, Shawn Russo, Matthew Amick, Jennifer Mills, Tabitha Rawlins, Brandon Rakes and Raquel Constantino.

The Journal of the fiftieth day was approved as corrected.

**RESOLUTIONS**

Representative Crawford offered House Resolution No. 555, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative DeMarce offered House Resolution No. 556, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Tate offered House Resolution No. 557, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Green offered House Resolution No. 558, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 559, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution No. 560, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 561, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Foley and Liese offered House Resolution No. 562, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foley offered House Resolution No. 563, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COURTESY RESOLUTIONS**

House Resolution Nos. 512 through 547 and 549 through 554 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 512 through 547 and 549 through 554 were adopted.

**SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 15** was read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HB 738, HCS HJR 14** and **HCS HB 288**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 787** and **HB 831**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 288** - Budget (Fiscal Note)

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 2, SCS HCS HB 3, as amended, SCS HCS HB 4, SCS HCS HB 5, as amended, and SCS HCS HB 6, as amended,** relating to appropriations, were taken up by Representative Lumpe.

Representative Lumpe moved that the House refuse to adopt **SCS HCS HB 2, SCS HCS HB 3, as amended, SCS HCS HB 4, SCS HCS HB 5, as amended,** and **SCS HCS HB 6, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**THIRD READING OF HOUSE JOINT RESOLUTION**

**HCS HJRs 13 and 6**, relating to bingo, was taken up by Representative Scheve.

On motion of Representative Scheve, **HCS HJRs 13 and 6** was read the third time and passed by the following vote:

AYES: 096

Backer Barry 100 Bauer Bonner Boucher

Bray 84 Broach Carter Cierpiot Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Farmer Farnen Fitzwater Foley

Ford Franklin Fritts Goward Graham 24

Gratz Green Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hickey Hollingsworth Hoppe

Hosmer Johnson Kauffman Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Monaco

Murphy Murray Nordwald O'Toole Ostmann

Overschmidt Parker Ransdall Relford Reynolds

Rizzo Robirds Sallee Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Troupe Van Zandt

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 057

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Campbell

Champion Chrismer Clayton Crawford Edwards-Pavia

Elliott Enz Evans Foster Froelker

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hartzler 124 Hegeman Hendrickson Hohulin

Howerton Kelley 47 Levin Lograsso Long

Loudon Marble McClelland Miller Naeger

Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Ross Schwab Scott
Secrest Shields Steen Summers Surface
Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Bland Hall Hand Holand
Kasten Linton O'Connor Townley

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILL**

**HS HCS HB 738**, relating to zero tolerance, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HS HCS HB 738** was read the third time and passed by the following vote:

AYES: 137

Akin Backer Ballard Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cooper
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Griesheimer
Gross Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hollingsworth
Hoppe Hosmer Howerton Johnson Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Kreider
Lakin Lawson Legan Levin Liese
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Relford Reynolds Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Troupe Van Zandt
Vogel Wannenmacher Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 012

Alter Clayton Copeland Daniel 42 Gratz
Green Gunn Koller Leake Shelton 57
Treadway Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Bland Cierpiot Hall Hand
Hohulin Holand Kasten Linton O'Connor
Reinhart Richardson Townley

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 129

Backer Ballard Barnett 4 Barry 100 Bartelsmeyer
Bauer Bennett 15 Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Cierpiot Cooper Crawford Crump
Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gross Hagan-Harrell Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hollingsworth Hoppe Hosmer Howerton Johnson

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Lakin Lawson Legan Levin Liese

Long Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murray Naeger Nordwald O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 023

Akin Alter Berkstresser Chrismer Clayton

Copeland Daniel 42 Gratz Green Griesheimer

Gunn Hickey Hohulin Koller Kreider

Leake Linton Lograsso Loudon Murphy

Sheldon 104 Shelton 57 Treadway

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Bland Hall Hand Holand

Kasten Luetkenhaus O'Connor Thompson 37 Townley

VACANCY: 001

On motion of Representative Johnson, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 13**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **HB 13** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hollingsworth Hoppe Hosmer Howerton
Johnson Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
Miller Monaco Murphy Murray Naeger
Nordwald O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 011

Auer Bland Daniels 41 Hall Hand
Holand Kasten McLuckie O'Connor Thompson 37
Townley

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 17**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 17** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hollingsworth Hoppe Hosmer Howerton Johnson

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Miller

Monaco Murphy Murray Naeger Nordwald

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Bland Daniel 42 Daniels 41 Hall

Hand Holand Kasten Luetkenhaus O'Connor

Purgason Thompson 37 Townley

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**HB 19**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 19** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hollingsworth Hoppe Hosmer
Howerton Johnson Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Lograsso
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bland Hall Hand Holand

Kasten Liese Linton Loudon O'Connor

Thompson 37 Townley

VACANCY: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hoppe, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HB 301**, **as amended, with House Committee Amendment No. 2, pending**, relating to state income tax, was again taken up by Representative Lumpe.

Representative Lumpe offered House Substitute Amendment No. 1 for House Committee Amendment No. 2.

*House Substitute Amendment No. 1*

*for*

*House Committee Amendment No. 2*

AMEND House Bill No. 301, Page 3, Section 143.183, Line 66 by inserting after said line the following:

"**Provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which are qualified by the corporation for public broadcasting. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.**"

Representative Marble offered House Amendment No. 1 to House Substitute Amendment No. 1 for House Committee Amendment No. 2.

Representative Fitzwater raised a point of order that House Amendment No. 1 to House Substitute Amendment No. 1 for House Committee Amendment No. 2 is in the third degree.

The Chair ruled the point of order not well taken.

Representative Lumpe raised a point of order that House Amendment No. 1 to House Substitute Amendment No. 1 for House Committee Amendment No. 2 was improperly drafted.

The Chair ruled the point of order well taken.

On motion of Representative Lumpe, House Substitute Amendment No. 1 for House Committee Amendment No. 2 was adopted by the following vote:

AYES: 100

Backer Barry 100 Bauer Bennett 15 Bonner

Boucher Bray 84 Burton Campbell Carter

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Enz Farmer

Farnen Fitzwater Foley Ford Franklin

Fritts Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hendrickson

Hickey Hollingsworth Hoppe Hosmer Johnson

Kauffman Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Luetkenhaus

Lumpe May 108 Mays 50 McBride McClelland

McLuckie Monaco Murray O'Toole Ostmann

Overschmidt Parker Patek Ransdall Relford

Reynolds Rizzo Scheve Schilling Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Treadway Troupe Van Zandt Vogel

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 050

Akin Alter Ballard Barnett 4 Bartelsmeyer

Berkstresser Boatright Broach Champion Chrismer

Cierpiot Crawford Edwards-Pavia Elliott Evans

Foster Froelker Gaskill Gaston Hartzler 124

Hegeman Hohulin Howerton Kelley 47 Legan

Levin Linton Lograsso Long Loudon

Marble Miller Murphy Naeger Nordwald

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Schwab Scott

Shields Steen Summers Surface Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bland Hall Hand Holand

Kasten Liese O'Connor Sallee Thompson 37

Townley Wooten

VACANCY: 001

Representative Marble offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 301, Page 3, Section 143.183, Line 63, by deleting the word "ten" and inserting in lieu thereof the word "one"; and

Further amend said bill, Page 3, Section 143.183, Line 51, by deleting the word "ten" on said line and inserting in lieu thereof the word "nineteen".

Speaker Gaw assumed the Chair.

Representative Marble moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 052

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Champion

Chrismer Crawford Dolan Donovan Edwards-Pavia

Enz Evans Foster Froelker Gaston

Graham 106 Gross Hegeman Hohulin Hollingsworth

Howerton Kelley 47 Legan Levin Linton

Lograsso Loudon Marble Miller Murphy

Naeger Patek Pryor Purgason Reinhart

Richardson Robirds Ross Sallee Schwab

Scott Secrest Skaggs Steen Summers

Wannenmacher Williams 159

NOES: 095

Backer Barry 100 Bauer Bonner Boucher

Bray 84 Burton Campbell Carter Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dougherty

Elliott Farmer Farnen Fitzwater Foley

Franklin Fritts Gibbons Goward Graham 24

Gratz Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Hendrickson Hickey

Hoppe Hosmer Johnson Kauffman Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Long Luetkenhaus

Lumpe May 108 Mays 50 McBride McClelland

McLuckie Monaco Murray Nordwald O'Toole

Ostmann Overschmidt Parker Pouche Ransdall

Relford Reynolds Ridgeway Rizzo Scheve

Schilling Seigfreid Shear Sheldon 104 Shelton 57

Shields Smith Stokan Stoll Stroker

Surface Tate Thomason 163 Troupe Van Zandt

Vogel Wiggins Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Auer Bland Cierpiot Ford Gaskill

Hall Hand Heckemeyer Holand Kasten

O'Connor Thompson 37 Townley Treadway Wooten

VACANCY: 001

Representative Ridgeway offered House Amendment No. 2.

Representative Lumpe raised a point of order that House Amendment No. 2 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Lumpe, **HB 301, as amended,** was ordered perfected and printed.

**HB 389**, **with House Committee Amendment No. 1 and HS, pending**, relating to handicapped parking spaces, was again taken up by Representative Lumpe.

Representative Bennett offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 389, Page 15, Section 1, Line 19, by deleting the following:

"or violation of a state, county, or municipal law or ordinance regulating parking spaces reserved for physically disabled persons which are"

On motion of Representative Bennett, House Amendment No. 2 was adopted.

Representative McClelland offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 389, Page 3, Section 301.142, Lines 65 through 67, by deleting the words "Only one removable placard may be issued to an applicant who has been issued disabled person license plates." and inserting in lieu thereof the following: "**If the applicant is a physically disabled person for which disabled person license plates have been issued, then one removable placard may be issued for every motor vehicle registered by the person or such person's spouse. If the applicant is not the physically disabled person for which disabled person license plates have been issued, or is not such person's spouse, then** only one removable placard may be issued to [an] **such** applicant who has been issued disabled person license plates.".

Representative McClelland moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Sheldon (104) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Bill No. 389, Pages 13 and 14, Line 15 on page 13 through Line 16 on page 14, by deleting all of said lines and inserting in lieu thereof the following:

"section 301.142 or 301.071 shall [be twelve feet wide or greater or shall be open on one or both sides so as not to impede the safe egress and exit of the disabled person] **meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto**.

6. **Any person who, without authorization, uses a**"; and

Further amend said bill, Page 14, Section 301.143, Line 22, by deleting the number "**8.**" and inserting in lieu thereof the number "**7.**"; and

Further amend said bill, Page 15, Section 301.143, Line 22, by deleting the number "**9.**" and inserting in lieu thereof the number "**8.**".

On motion of Representative Sheldon (104), House Amendment No. 4 was adopted.

Representative Relford offered House Amendment No. 5.

Representative Luetkenhaus raised a point of order that House Amendment No. 5 is not germane to the bill.

The Chair ruled the point of order well taken.

**MOTION**

Representative Bennett, having voted on the prevailing side, moved that the vote by which **House Amendment No. 1 to HS HB 389** was defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 096

Alter Backer Barnett 4 Barry 100 Bauer

Bennett 15 Bonner Boucher Bray 84 Broach

Campbell Copeland Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan
Dougherty Farmer Farnen Fitzwater Foley
Franklin Fritts Gaston Gibbons Graham 24
Graham 106 Green Griesheimer Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hickey
Hollingsworth Hosmer Johnson Kauffman Kelly 27
Kennedy Koller Kreider Lakin Lawson
Levin Liese Luetkenhaus Lumpe May 108
Mays 50 McBride McClelland McLuckie Monaco
Murphy Murray Naeger O'Toole Overschmidt
Parker Patek Purgason Ransdall Relford
Reynolds Richardson Rizzo Ross Sallee
Scheve Schilling Secrest Seigfreid Sheldon 104
Shelton 57 Skaggs Smith Stokan Stoll
Stroker Summers Tate Thomason 163 Troupe
Van Zandt Wiggins Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 048

Ballard Bartelsmeyer Berkstresser Boatright Burton
Carter Champion Chrismer Cierpiot Clayton
Cooper Crawford Edwards-Pavia Elliott Enz
Evans Foster Froelker Gaskill Goward
Gratz Gross Hegeman Hendrickson Hohulin
Howerton Kelley 47 Linton Lograsso Long
Loudon Marble Miller Nordwald Ostmann
Pouche Pryor Reinhart Ridgeway Robirds
Schwab Scott Shear Shields Steen
Surface Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 018

Akin Auer Bland Crump Ford
Hall Hand Holand Hoppe Kasten
Kissell Leake Legan O'Connor Thompson 37
Townley Treadway Wooten

VACANCY: 001

Representative Parker moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Crawford offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Bill No. 389, Page 2, Section 6, Lines 15, 17 and 18, by deleting all new language:

Line 6 - The person's

Line 17 - entire line

Line 18 - entire line

On motion of Representative Crawford, House Amendment No. 5 was adopted.

Representative Hartzler (124) offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 389, Page 1, Section 301.142, Line 16, by putting an open bracket between the words "RSMO," and "a" and placing a closing bracket on line 18 between the comma and word "or".

Representative Hartzler (124) moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 079

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright

Bonner Boucher Broach Burton Champion

Chrismer Cierpiot Cooper Crawford Dolan

Donovan Edwards-Pavia Elliott Enz Evans

Farnen Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Griesheimer Gross

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Howerton Kauffman Kelley 47 Legan Levin

Linton Lograsso Long Loudon Marble

McClelland Miller Murphy Naeger Nordwald

O'Toole Patek Pouche Pryor Purgason

Reinhart Reynolds Richardson Robirds Ross

Sallee Schwab Scott Secrest Seigfreid

Sheldon 104 Shields Steen Summers Surface

Thomason 163 Treadway Vogel Williams 159

NOES: 062

Backer Bray 84 Campbell Carter Clayton

Copeland Davis 63 Davis 122 Days DeMarce

Dougherty Farmer Fitzwater Foley Franklin

Fritts Goward Graham 24 Green Gunn

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kelly 27 Kennedy

Kreider Lakin Lawson Leake Liese

Luetkenhaus Lumpe May 108 Mays 50 McLuckie

Monaco Murray Overschmidt Parker Ransdall

Relford Rizzo Scheve Schilling Shear

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Tate Van Zandt Wiggins Williams 121

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 021

Auer Bland Crump Daniel 42 Daniels 41

Ford Hall Hand Holand Kasten

Kissell Koller McBride O'Connor Ostmann

Ridgeway Thompson 37 Townley Troupe Wannenmacher

Wooten

VACANCY: 001

Representative Bennett offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Bill No. 389, Page 4, Section 3, Line 6, by deleting the opening bracket; and

Further amend said bill, Page 4, Line 7, by deleting the closing bracket and by deleting the remainder of said section; and

Further amend said bill, Page 11, Section 2, Line 19, by deleting the words "$100 to $1000 fine," and inserting in lieu thereof the following: "$50 to $200 fine"; and

Further amend said bill, Page 14, Line 20, by deleting the words "one hundred dollars" and inserting in lieu thereof the following: "fifty dollars"; and

Further amend said bill, Page 14, Line 21, by deleting the words "one thousand dollars" and inserting in lieu thereof the following: "two-hundred dollars"

Representative Luetkenhaus offered House Substitute Amendment No. 1 for House Amendment No. 7.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 7*

AMEND House Substitute for House Bill No. 389, Page 4, Section 3, Line 6, by deleting the opening bracket; and

Further amend said bill, Page 4, Line 7, by deleting the closing bracket and by deleting the remainder of said section; and

Further amend said bill, Page 11, Section 2, Line 19, by deleting the words "$100 to $1000 fine," and inserting in lieu thereof the following: "$50 to $300 fine."; and

Further amend said bill, Page 14, Line 20, by deleting the words "one hundred dollars" and inserting in lieu thereof the following: "fifty dollars"; and

Further amend said bill, Page 14, Line 21, by deleting the words "one thousand dollars" and inserting in lieu thereof the following: "three-hundred dollars".

On motion of Representative Luetkenhaus, House Substitute Amendment No. 1 for House Amendment No. 7 was adopted.

Representative Van Zandt offered House Amendment No. 8

House Amendment No. 8 was withdrawn.

On motion of Representative Luetkenhaus, **HS HB 389, as amended,** was adopted.

On motion of Representative Luetkenhaus, **HS HB 389, as amended,** was ordered perfected and printed.

**HCS HB 396**, relating to hotel operators, was placed on the Informal Calendar.

**HCS HB 214**, relating to motorcycle franchise practices, was taken up by Representative Thomason (163).

Representative Champion offered House Amendment No. 1.

Representative Backer raised a point of order that House Amendment No. 1 is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Thomason (163), **HCS HB 214** was adopted.

On motion of Representative Thomason (163), **HCS HB 214** was ordered perfected and printed.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS SB 430**, and has taken up and passed **SCS SB 430, as amended by CCR**.

Emergency Clause Adopted.

CONFERENCE COMMITTEE REPORT

ON

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 430

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Committee Substitute for Senate Bill No. 430 begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2;

2. That the Senate recede from its position on House Substitute Amendment No. 1 for House Committee Amendment No. 1 and House Amendment No. 1; and

3. That Senate Committee Substitute for Senate Bill 430 with Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Wayne Crump /s/ Harold Caskey

/s/ Craig Hosmer /s/ James Mathewson

/s/ Francis Overschmidt /s/ John Scott

/s/ John Griesheimer /s/ Sam Graves

Merrill Townley /s/ David Klarich

*Conference Committee Amendment No. 1*

Amend Senate Committee Substitute for Senate Bill No. 430, Page 10, Section 595.020, Line 69, by adding immediately after said line, the following:

"**Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of this section, shall expire on August 28 of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of this act, is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.**

**5. The provisions of this section shall not take effect if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.**

**6. The provisions of this section shall not apply to any rules promulgated pursuant to chapter 595, RSMo.**"; and

Further amend the title and enacting clause accordingly.

**MOTION**

Representative Crump moved that the House refuse to adopt **CCR SCS SB 430, as amended,** and request the Senate to grant the House a further conference.

Which motion was adopted.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HB 15** - Budget

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS#3 SCS SB 51** - Children, Youth and Families

**SB 141** - Professional Registration and Licensing

**COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SB 179**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 179, Page 1, In the title, Line 2, by inserting immediately after the word "sections" the numeral "266.291,"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the word "Sections" the numeral "266.291,"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after the word "sections" the numeral "266.291,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"266.291. The following words, terms, and phrases, when used in sections 266.291 to 266.351 have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Director" means the director of the Missouri agricultural experiment station at Columbia, Missouri;

(2) "Distributor" means any person who imports, consigns, manufactures, produces or compounds fertilizer, or offers for sale, sells, barters, or otherwise supplies fertilizers for consumption or use in this state; provided that this term shall not apply to any person who purchases fertilizer from a distributor registered under sections 266.291 to 266.351 and which fertilizer has been once sold in compliance with sections 266.291 to 266.351;

(3) "Essential plant nutrient" includes any element recognized as being directly required by any plant to complete its life cycle;

(4) "Fertilizer" includes any organic or inorganic material of natural or synthetic origin which is added to soil, soil mixtures, or solution to supplement nutrients and is claimed to contain one or more essential plant nutrients. The term "fertilizer" does not include unmanipulated animal and vegetable manure and agricultural liming materials used to reduce soil acidity;

(5) "Person" includes individuals, partnerships, associations, firms, corporations, estates, trusts, receivers, or trustees appointed by any state or federal court;

(6) "Sale", "sold", and "sells" include exchanges and consignments for sale and means any transfer or barter**;**

**(7) "Variable rate technology" means the method of applying two or more fertilizer materials which are blended at variable rates by a spreading vehicle or device during the application process**."; and

Further amend said bill, Page 2, Section 266.321, Line 21, by striking the word "**printed**" and inserting in lieu thereof the word "**written**"; and

Further amend said bill, Page 2, Section 266.321, Line 26, by striking the words "**which are**"; and

Further amend said bill, Page 2, Section 266.321, Line 27, by inserting after the word "**mixing**" the following: "**and intended to be applied using variable rate technology**"; and

Further amend said bill, Page 2, Section 266.321, Lines 27-28, by striking the words "**labeled to show net weight, the guaranteed analysis or**" and inserting in lieu thereof the following: "**accompanied by a plainly written statement which shows**"; and

Further amend said bill, Page 2, Section 266.321, Line 29, by striking the words "**or both**"; and

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 161**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 164**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 197**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 387**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 424**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 133**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SB 215**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SB 346**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 152**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 255**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 309**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 389**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 497**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 497, Page 1, Section 1, Line 13, by deleting on said line the following:

"At no time shall such fee be adjusted downward."

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 848**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SB 246**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, the United States Congress has begun deliberations that will lead to reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA); and

WHEREAS, reauthorization of this federal transportation law is critical to the continued maintenance and development of an efficient and safe transportation system for Missouri citizens; and

WHEREAS, an efficient and safe transportation system is essential to the economic prosperity of Missouri citizens; and

WHEREAS, Missouri receives significantly less in federal highway funding than its percentage share of payments into the federal Highway Trust Fund; and

WHEREAS, the General Accounting Office has determined that current federal highway funding formulas do not adequately account for state highway needs and uses outdated factors for distributing funds among the states; and

WHEREAS, reauthorization of ISTEA presents a critical opportunity to develop equitable and fair highway distribution formulas and ensure appropriate return of federal highway moneys to Missouri; and

WHEREAS, adequate support for the National Highway System is necessary to provide mobility and economic benefits to Missouri citizens and to ensure that Missouri is connected to the rest of the nation with a modern transportation system:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that the Congress of the United States should enact, prior to expiration of ISTEA, legislation to reauthorize a strong intermodal transportation system; and

BE IT FURTHER RESOLVED that the Congress of the United States, in reauthorization of ISTEA, should correct the inequitable federal highway funding formulas; and

BE IT FURTHER RESOLVED that the Congress of the United States should develop federal highway funding formulas that recognize the pressing highway needs of Missouri and return an increased share of federal highway moneys to Missouri; and

BE IT FURTHER RESOLVED that the Congress of the United States should ensure that such funding formulas provide at least a ninety-five percent return on Missouri's contribution to the federal Highway Trust Fund; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 131**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HCR 24**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 24

WHEREAS, the members of the Missouri General Assembly are deeply concerned about the large increases in home heating bills that the citizens of Missouri have experienced this winter; and

WHEREAS, the price charged by unregulated suppliers for natural gas has increased this winter at an unprecedented rate, resulting in gas bills for many families that are two or three times higher than last year's bills; and

WHEREAS, many constituents of the Missouri legislature are undergoing significant financial hardship as a direct result of having to pay dramatically increased heating costs; and

WHEREAS, heat for one's residence in the winter, like food and shelter, is a basic necessity of life that must be made available and accessible to all citizens at affordable rates; and

WHEREAS, the companies that produce and supply natural gas to local gas distribution companies in Missouri are primarily out-of-state large oil companies which are no longer regulated by the federal government; and

WHEREAS, local regulated gas distribution companies in Missouri do not make a profit from the commodity price of gas, but pass those costs to consumers under the regulatory supervision of the Missouri Public Service Commission:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby request the United States Congress to expediently conduct federal hearings and investigations to fully determine all factors responsible for the rapidly rising cost of the natural gas commodity and to ascertain the degree to which this rising cost is necessary as implemented by unregulated suppliers of natural gas; and

BE IT FURTHER RESOLVED that the Missouri General Assembly further requests the United States Congress to act upon the information obtained from these hearings and investigations by establishing appropriate public policies to protect constituents of Missouri and other states from uncontrolled increases in the natural gas commodity in the future; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 356**, entitled:

An act to repeal sections 104.010, 104.103, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.415, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 287.856, 476.450, 476.480, 476.520, 476.524, 476.530, 476.555, 476.580 and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.342, 104.395, 104.410, 104.515, 104.517, 104.530, 104.800, 287.820, 476.515, 476.539, 476.601 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof forty-three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 410**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 21.**

SENATE CONCURRENT RESOLUTION NO. 21

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that the United States Corps of Engineers is hereby requested to remove the drift immediately below the Missouri Highway 84 Bridge which crosses the St. Francis River into Clay County, Arkansas; and

BE IT THEREFORE RESOLVED that upon adoption of this resolution the Secretary of the Senate shall forward a

copy hereof to Mr. Martin Lancaster, Assistant Secretary of the Army for Civil Works and Major General Robert B. Flowers, Commander Lower Mississippi Valley Division of the United States Army Corps of Engineers.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 263**, entitled:

An act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.125 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1996, relating to the funding of the Missouri utilicare and related energy assistance programs, and to enact ten new sections relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS SCR 7.**

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which will likely create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity and other energy sources, and this trend has both potential benefits and potential adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-Ninth General Assembly; and

BE IT FURTHER RESOLVED, that said committee conduct an in depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and

private telecommunication entities, the need to maintain and sufficiently fund emergency telephone services ("911") in light of the increased use of cellular phones and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED, that said committee conduct an in depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED, that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-Ninth General Assembly; and

BE IT FURTHER RESOLVED, that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED, that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 23**.

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, blind children deserve a quality education just like all other school children; and

WHEREAS, since 1990, section 167.225, RSMo, as enacted in SB 740 from 1990, the "Excellence in Education Act", has required education in Braille be provided for those students who would benefit from such training; and

WHEREAS, adequate education in Braille and cane travel are crucial to a blind person's success in postsecondary education and in gainful employment; and

WHEREAS, there is an insufficient number of people trained in the teaching of Braille and cane travel to meet the needs of blind students in Missouri; and

WHEREAS, instruction in Braille and cane travel can be provided by properly trained paraprofessionals; and

WHEREAS, the Division of Special Education of the Department of Elementary and Secondary Education has not implemented training to the extent necessary to provide a quality education for all blind students:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Eighty-Ninth General Assembly, the House of Representatives concurring therein, that the Division of Special Education of the Department of Elementary and Secondary Education develop and implement a plan to employ enough properly-trained instructors, including paraprofessionals, to teach Braille and cane travel to all blind students in Missouri who would benefit from such training; and

BE IT FURTHER RESOLVED, that such implementation plan include an incentive program to encourage more

individuals, including current instructional staff, to become teachers of Braille and cane travel; and

BE IT FURTHER RESOLVED, that the Division of Special Education of the Department of Elementary and Secondary Education annually provide a report to the Governor and General Assembly, no later than December first of each year, which report describes the Division's progress in implementing the plan, any significant obstacles to continued progress in implementation and the Division's recommendations for removing these obstacles; and

BE IT FURTHER RESOLVED, that the Division of Special Education of the Department of Elementary and Secondary Education conduct a statewide study to assess the literacy of blind students on a grade-level basis and report its findings and recommendations to improve the literacy of blind students to the Governor and General Assembly no later than December 1, 1997; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare and transmit properly inscribed copies of this resolution to the Director of the Division of Special Education of the Missouri Department of Elementary and Secondary Education and to the Missouri Commissioner of Education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 24**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to certain health care benefits.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 3:00 p.m., Monday, April 14, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fiftieth Day, Wednesday, April 9, 1997, page 1002, by inserting after line 6, the following:

**INTRODUCTION OF HOUSE BILL - APPROPRIATIONS**

The following House Bill was read the first time and 1,000 copies ordered printed:

**HB 15**, introduced by Representative Lumpe, appropriates money for capital improvement and other purposes for the several departments of state government and the divisions.

Pages 978 and 979, roll call, by showing Representatives Gratz and Williams (121) voting "aye" rather than "absent with leave".

Pages 979 and 980, roll call, by showing Representatives Gratz and Williams (121) voting "aye" rather than "absent with leave".

Pages 979 and 980, roll call, by showing Representative Johnson voting "aye" rather than "no".

Pages 980 and 981, roll call, by showing Representatives Gratz, Richardson and Williams (121) voting "aye" rather than "absent with leave".

Pages 981 and 982, roll call, by showing Representatives Wilson, Lakin, Gratz, Richardson and Williams (121) voting "aye" rather than "absent with leave".

Pages 982 and 983, roll call, by showing Representatives Stokan and Williams (121) voting "aye" rather than "absent with leave".

Pages 983 and 984, roll call, by showing Representatives Nordwald, Stokan, Akin, Barry, Kennedy and Williams (121) voting "aye" rather than "absent with leave".

Pages 986 and 987, roll call, by showing Representatives Akin and Loudon voting "no" rather than "absent with leave".

Pages 986 and 987, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

Page 995, roll call, by showing Representative Carter voting "aye" rather than "absent with leave".

Pages 998 and 999, roll call, by showing Representative Long voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Monday, April 14, 1997, 1:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 288, HB 472, HB 58, HJR 14, HB 15

CHILDREN, YOUTH, AND FAMILIES

Monday, April 14, 1997, 1:30 pm. Hearing Room 7. Executive session.

To be considered - SB 361

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 16, 1997, 8:00 am. Hearing Room 5. Possible executive session.

To be considered - SB 51

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, April 15, 1997, 1:00 pm. Hearing Room 8. Executive session.

To be considered - SB 367, SB 218

CRITICAL ISSUES

Monday, April 14, 1997, 8:00 pm. Hearing Room 7. Executive session will follow.

To be considered - HB 845, SB 368, SB 243

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 15, 1997, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 222, HB 838, HB 880, Executive Session - HB 579, SB 187

ENVIRONMENT AND ENERGY

Monday, April 14, 1997, 2:00 pm. Hearing Room 9. Executive session will follow.

Consent bills to be considered.

To be considered - SB 408, SCR 12

INSURANCE

Tuesday, April 15, 1997, 8:00 am. Hearing Room 8. Executive session senate bills only.

To be considered - SB 150

JUDICIARY

Monday, April 14, 1997. Side gallery upon evening adjournment.

To be considered - Executive Session - SB 171

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 16, 1997, 9:00 am. Hearing Room 7. Executive session to follow.

AMENDED NOTICE

To be considered - HR 329, HR 345, HR 497, HCR 27, SB 459, SB 29, HB 790

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 15, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 59, SB 120

PROFESSIONAL REGISTRATION & LICENSING

Tuesday, April 15, 1997, 9:30 am. Room 401B.

To be considered - Executive Session - SB 262, Executive Session - SB 320

PUBLIC HEALTH AND SAFETY

Tuesday, April 15, 1997. Hearing Room 9 upon morning adjournment.

Executive session to follow.

To be considered - SB 97

TOURISM, RECREATION AND CULTURAL AFFAIRS

Tuesday, April 15, 1997, 9:00 am. Hearing Room 5. Executive session may follow.

To be considered - SB 353

WORKERS COMPENSATION AND EMPLOYMENT SECURITY

Monday, April 14, 1997, 8:00 pm. Hearing Room 5. Executive session may or may not follow. Public comments on workers' compensation.

To be considered - SB 55, SB 270

**HOUSE CALENDAR**

FIFTY-SECOND DAY, MONDAY, APRIL 14, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 146 - Scheve

2 HCS HB 748 & 605 - McLuckie

3 HB 811, HCA 1 - Lakin

4 HB 373 - Kreider

5 HB 105, HCA 1 - Copeland

6 HB 129 - Shear

7 HCS HB 664 - Ross

8 HCS HB 474 - Smith

9 HCS HB 696 - Days

10 HCS HB 451 - Wiggins

11 HB 777 - Hosmer

12 HB 215, HCA 1 & 2 - Dougherty

13 HCS HB 697 - Relford

14 HCS HB 331 - O'Toole

15 HCS HB 349 - Farmer

16 HCS HB 595 - Koller

17 HCS HB 50 - Gratz

18 HCS HB 282 - Kissell

19 HB 232, HCA 1 - Dougherty

20 HCS HB 436 & 260 - Treadway

21 HCS HB 560 - Lakin

22 HB 266 - Stoll

23 HCS HB 206 - Koller

24 HCS HB 641 & 593 - Fitzwater

25 HB 262 - Murray

26 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

27 HCS HB 669 - Stroker

28 HB 513 - Clayton

29 HB 578 - Williams (121)

30 HB 702 - McLuckie

31 HB 376 - Leake

32 HCS HB 459 - Shelton (57)

33 HB 57 - Shear

34 HB 850 - Kelly (27)

35 HCS HB 723, 789 & 372 - Dougherty

36 HB 681 - Fitzwater

37 HB 542 - Farnen

38 HCS HB 508 & 145 - Stokan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

HCS HB 396 - Hosmer

**HOUSE BILL FOR PERFECTION - CONSENT**

(April 7, 1997)

HB 772 - Barnett

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 14, (Budget Fiscal 4-9-97) - Days

**HOUSE BILLS FOR THIRD READING**

1 HS HCS HB 472, (Budget Fiscal 4-8-97) - Luetkenhaus

2 HB 338 - Gunn

3 HCS HB 369 - Clayton

4 HB 660 - Lumpe

5 HB 304 - Ransdall

6 HCS HB 276 - Davis (122)

7 HB 766 - Harlan

8 HS HCS HB 69 & 179 - Hosmer

**HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE**

HCS HB 288, (Budget Fiscal 4-10-97) - Lumpe

HB 58, (Budget Fiscal 4-8-97) - Thomason (163)

**HOUSE BILLS FOR THIRD READING - CONSENT**

HB 787 - Barry

HB 831 - Griesheimer

**SENATE BILLS FOR SECOND READING**

SCS SB 263

SB 24

**SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 242 -

2 SB 215 - Skaggs

3 SB 146, E.C. - Lumpe

4 SB 424 - Crump

5 SB 416 -

6 SB 131 - Koller

7 SB 179, HCA 1 - Williams (159)

8 HCS SB 161, E.C. - Kelly (27)

9 HCS SB 164 - Smith

10 SB 398 -

11 HCS SB 375 - Hosmer

12 HCS SB 309 - Franklin

13 SB 310, E.C. - Bray

14 HCS SCS SB 389 - Hagan-Harrell

15 SB 152 - Davis (122)

16 SB 246 -

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 8, as amended, - Franklin

SCS HCS HB 9, as amended, - Lakin

SCS HCS HB 10 - Carter

SCS HCS HB 11 - Lakin

SCS HCS HB 356 - Skaggs

**BILLS CARRYING REQUEST MESSAGES**

SCS HCS HB 2, req. Sen. recede/grant House conf. - Franklin

SCS HCS HB 3, as amend, req. Sen. recede/grant House conf.- Franklin

SCS HCS HB 4, req. Sen. recede/grant House conf. - Green

SCS HCS HB 5, as amend, req. Sen. recede/grant House conf. - Green

SCS HCS HB 6, as amend, req. Sen. recede/grant House conf. - Tate

SCS SB 430, as amend, E.C., House req. further conf. - Crump

**HOUSE CONCURRENT RESOLUTION**

HCR 19, (4-3-97 p. 915) - Patek

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-SECOND DAY, Monday, April 14, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"All things are possible with God." (Mark 10:17)

Tiger Woods is making history today well beyond the world of golf. We rejoice in his many records, the first African-American (whose mother is Asian) to win the Masters, 12 years after the color barrier was broken in that competition, youngest winner ever at 21, with the lowest score of 270 and 12 strokes less than the second place winner.

Gracious God, we give thanks for this good news of accomplishment, and pray that it will continue to reduce barriers and heal some of the racism and ethnic hatred which too often today raise their ugly heads in our world, both here and overseas. We also give thanks that young people of every race and color can take pride in knowing that dreams can come true and there is hope. May that spirit give courage to those in this chamber who have a nobler vision for this State and its people. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Patty Long, Jamie McDaniel, Jillian Presko, Nathan Williams, Zach Dees, Zach Krebs, Eric Thomure, Mariah Bock, Sarah Fowler, Mandy Truelove, Mallery DeLisle, Trey Edwards, Candace Davis, Justin Santangelo and Jessica Hedgpeth.

The Journal of the fifty-first day was approved as corrected.

**RESOLUTIONS**

Representative Riback Wilson offered House Resolution No. 564, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Lograsso offered House Resolution Nos. 565 and 566, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Sallee offered House Resolution Nos. 567 and 568, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Parker offered House Resolution No. 569, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shear offered House Resolution No. 570, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Gaw and Scott offered House Resolution No. 571, which was read.

House Resolution No. 571

**Whereas**, it is with great pride and sincere admiration that the members of the Missouri House of Representatives suspend the work of creating laws in order to recognize the dedicated men and women of Missouri's law enforcement community; and

**Whereas**, officers from various local sheriff departments, city police agencies, the Missouri Highway Patrol, the Missouri Water Patrol, and the Missouri National Guard's 1139th military police company are to be commended for their selfless, untiring and courageous efforts to capture triple-murder suspect Alis Ben Johns; and

**Whereas**, known to authorities as a skilled woodsman, a convicted felon, and a substantial threat to public safety, Alis Ben Johns became the subject of one of the most intense manhunts in Missouri history following the murders of Thomas Stewart of Dixon in September, 1996; Leonard Voyles of Richland in February, 1997; and Wilma Bragg of Newton County in March, 1997; and

**Whereas**, the round-the-clock search for Alis Ben Johns was concentrated in the dense woodland area of mid-Missouri where hundreds of brave officers knowingly put themselves in harm's way in order to protect the public; and

**Whereas**, at approximately 7:17 p.m. on April 7, 1997, two Missouri State Water Patrol officers, Captain William S. "Bill" Swineburg and Patrolman Erik Gottman, courageously apprehended Alis Ben Johns and his female companion, Beverly A. Guehrer-McComb, at a vacant house just northeast of Warsaw; and

**Whereas**, the capture of Alis Ben Johns brought to conclusion a search that endured for more than five months and that involved local law enforcement officers from a three-county area as well as professionals from the Highway Patrol, the Water Patrol, and the National Guard; and

**Whereas**, the overwhelming success of this perilous mission could not have been realized without the commitment, professionalism, self-sacrifice, and valor demonstrated by those individuals who have been entrusted with the responsibility of protecting the public through the fulfillment of duty as law enforcement personnel:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, unanimously join in expressing our deepest gratitude to all the heroic law enforcement officers involved with the successful search and ultimate capture of Alis Ben Johns and Beverly Guehrer-McComb for their unparalleled commitment to securing the safety of all Missourians; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Captain Bill Swineburg and Patrolman Erik Gottman of the Missouri State Water Patrol; for Benton County Sheriff Glenn Spencer; for the Missouri Highway Patrol; for each of the sheriff's offices and local police departments in Pulaski, Newton, and Benton counties; and for the Missouri National Guard's 1139th Military Police Company.

On motion of Representative Scott, Rule 63 was suspended and House Resolution No. 571 was adopted.

Representative Backer offered House Resolution No. 572, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bartelsmeyer offered House Resolution No. 573, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution Nos. 574 and 575, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lakin offered House Resolution No. 576, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Backer and Evans offered House Resolution No. 577, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representatives Schilling and Edwards-Pavia offered House Concurrent Resolution No. 31.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 276, HS HCS HBs 69 & 179, HB 338, HB 660, HB 304** and **HB 766**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 772**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 214, HB 301** and **HCS HB 369**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 389**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**COMMUNICATION FROM THE SECRETARY OF STATE**

TO THE SPEAKER OF THE HOUSE

Honorable Steve Gaw

Jefferson City, MO

Sir:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 162nd Legislative District in the State of Missouri, on the 1st day of April, 1997, as provided by law, the following named person was elected to the office of State Representative, 162nd Legislative District as shown by the election results certified to this office by the Election Authorities of the 162nd Legislative District.

Name Office

Denny J. Merideth, III State Representative

Rt. 1, Box 259 162nd Legislative District

Caruthersville, MO 63830

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 8th day of April, 1997.

/s/ Rebecca McDowell Cook

Secretary of State

**SECOND READING OF SENATE BILLS**

**SCS SB 263** and **SB 24** were read the second time.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House further conference on **SCS SB 430** as amended.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Caskey, Scott, Mathewson, Klarich and Graves.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**SCS SB 430, as amended:** Representatives Crump, Hosmer, Overschmidt, Townley and Griesheimer.

**PERFECTION OF HOUSE BILLS - INFORMAL**

**HB 570, as amended,** relating to school bus safety, was taken up and placed back on the Informal Calendar.

**HCS HBs 155, 81 and 171,** relating to state income tax, was taken up and placed back on the Informal Calendar.

**HCS HBs 426, 576 and 567,** relating to employers and employees, was taken up and placed back on the Informal Calendar.

**HB 435, with House Committee Amendment Nos. 1, 2, 3, 4 and 5,** relating to economic development, was taken up and placed back on the Informal Calendar.

**HCS HB 396,** relating to hotel operators, was taken up and placed back on the Informal Calendar.

**THIRD READING OF HOUSE BILLS**

**HB 338**, relating to telephone operator access, was taken up by Representative Gunn.

On motion of Representative Gunn, **HB 338** was read the third time and passed by the following vote:

AYES: 108

Auer Backer Barry 100 Bauer Bennett 15

Bland Bonner Bray 84 Broach Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Farmer
Farnen Fitzwater Foley Franklin Fritts
Graham 24 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer
Hendrickson Hickey Hollingsworth Hoppe Hosmer
Johnson Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McLuckie Merideth
Miller Monaco Murray Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Ransdall
Reinhart Relford Reynolds Rizzo Sallee
Scheve Schilling Schwab Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Smith Steen
Stoll Stroker Surface Thomason 163 Thompson 37
Townley Treadway Vogel Wannenmacher Wiggins
Wilson Wooten Mr. Speaker

NOES: 043

Akin Alter Ballard Barnett 4 Bartelsmeyer
Berkstresser Boatright Chrismer Elliott Enz
Evans Foster Froelker Gaskill Gaston
Gibbons Graham 106 Hall Hegeman Hohulin
Holand Howerton Kasten Kelley 47 Legan
Linton Lograsso Loudon McClelland Murphy
Naeger Patek Pouche Pryor Purgason
Richardson Ridgeway Robirds Ross Scott
Shields Summers Tate

PRESENT: 000

ABSENT WITH LEAVE: 012

Boucher Ford Goward Hand Harlan
Liese Skaggs Stokan Troupe Van Zandt
Williams 121 Williams 159

Speaker Gaw declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Bray moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

**HCS HB 369**, relating to uniform commercial code, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCS HB 369** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gaston
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bartelsmeyer Ford Gibbons Goward Hand
Skaggs Troupe Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

**HB 660**, relating to public employees, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 660** was read the third time and passed by the following vote:

AYES: 131

Auer Backer Ballard Bartelsmeyer Bennett 15
Boatright Bonner Boucher Bray 84 Burton
Campbell Carter Champion Chrismer Clayton
Cooper Copeland Crawford Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Patek
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Shear Sheldon 104 Shelton 57 Shields
Smith Stokan Stoll Stroker Summers
Surface Tate Thompson 37 Townley Treadway
Wannenmacher Wiggins Williams 121 Wilson Wooten
Mr. Speaker

NOES: 025

Akin Alter Barnett 4 Barry 100 Bauer
Berkstresser Bland Broach Cierpiot Dougherty
Froelker Griesheimer Kelly 27 Kennedy Lograsso
Loudon McBride Parker Pouche Reynolds
Seigfreid Steen Thomason 163 Vogel Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 007

Crump Ford Goward Hand Skaggs
Troupe Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Gunn moved that the vote by which the bill passed be reconsidered.

Representative Harlan moved that motion lay on the table.

The latter motion prevailed.

**HB 304**, relating to interference with fishing, was taken up by Representative Ransdall.

On motion of Representative Ransdall, **HB 304** was read the third time and passed by the following vote:

AYES: 155

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Akin Bartelsmeyer Ford Goward Hand

Skaggs Troupe Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 276**, relating to amusement ride safety, was taken up by Representative Davis (122).

Representative Davis (122) offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

Amend House Committee Substitute for House Bill No. 276 Page 3, Section 9, Line 5 by striking the words "**parent/guardian**" and inserting in lieu thereof "**parent or guardian**"; and

Further amend said bill Page 3, Section 10, Line 9 by striking the word "**ride**" and inserting in lieu thereof the word "**passenger**".

On motion of Representative Davis (122), House Perfecting Amendment No. 1 was adopted.

On motion of Representative Davis (122), **HCS HB 276, as amended,** was read the third time and passed by the following vote:

AYES: 153

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thompson 37 Townley Treadway
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 001

Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 009

Akin Ford Goward Hand Hickey
Skaggs Thomason 163 Troupe Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HB 766**, relating to state treasurer, was taken up by Representative Harlan.

On motion of Representative Harlan, **HB 766** was read the third time and passed by the following vote:

AYES: 149

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Berkstresser Bland
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Loudon Luetkenhaus Lumpe

Marble May 108 McBride McClelland McLuckie

Merideth Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Bartelsmeyer Long Murphy

PRESENT: 000

ABSENT WITH LEAVE: 011

Akin Boatright Ford Franklin Goward

Hand Mays 50 Miller Skaggs Troupe

Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Shear moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HBs 69 and 179**, relating to law enforcement arrest powers, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HS HCS HBs 69 and 179** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Smith

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 009

Bland Copeland Foster Gunn Harlan
Hegeman Shelton 57 Shields Steen

PRESENT: 000

ABSENT WITH LEAVE: 006

Ford Goward Hand Skaggs Troupe
Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS - CONSENT**

**HB 787**, relating to school district classification, was taken up by Representative Barry.

On motion of Representative Barry, **HB 787** was read the third time and passed by the following vote:

AYES: 118

Alter Auer Backer Barry 100 Bauer
Bennett 15 Bland Bonner Boucher Bray 84
Broach Campbell Carter Cierpiot Clayton
Copeland Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Gaskill Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gunn
Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hickey
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Levin Liese Long Luetkenhaus
Lumpe May 108 Mays 50 McBride McClelland
McLuckie Merideth Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Ransdall
Relford Reynolds Richardson Rizzo Robirds
Ross Scheve Schilling Schwab Scott
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Smith Steen Stokan Stoll Stroker
Summers Tate Thomason 163 Thompson 37 Treadway
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 037

Akin Ballard Barnett 4 Bartelsmeyer Berkstresser
Boatright Burton Champion Chrismer Cooper
Crawford Edwards-Pavia Elliott Enz Evans
Froelker Gaston Gross Hall Hartzler 124
Hegeman Hendrickson Hohulin Holand Legan
Linton Loudon Marble Miller Pryor
Purgason Reinhart Ridgeway Sallee Secrest
Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 008

Crump Ford Goward Hand Lograsso
Skaggs Troupe Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HB 831**, relating to planning commission, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, **HB 831** was read the third time and passed by the following vote:

AYES: 131

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Boatright Bonner
Bray 84 Broach Burton Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Franklin Fritts
Froelker Gaskill Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kennedy Kissell Koller Kreider
Lakin Leake Levin Liese Linton
Long Luetkenhaus May 108 Mays 50 McBride
McClelland McLuckie Merideth Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Pryor Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Smith Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 021

Bartelsmeyer Bennett 15 Berkstresser Boucher Campbell
Foster Gaston Gross Hegeman Hohulin
Kelly 27 Lawson Legan Loudon Marble
Miller Murphy Patek Sallee Shields
Steen

PRESENT: 001

Bland

ABSENT WITH LEAVE: 010

Crump Ford Goward Hand Lograsso

Lumpe Purgason Skaggs Troupe Van Zandt

Representative Smith declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Rizzo moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**HOUSE CONCURRENT RESOLUTION**

**HCR 19,** relating to fifty-third anniversary of Exercising Tigers, was taken up by Representative Patek.

On motion of Representative Patek, **HCR 19** was adopted.

**PERFECTION OF HOUSE BILLS**

**HCS HBs 748 and 605**, relating to health insurance, was taken up and placed on the Informal Calendar.

Speaker Gaw resumed the Chair.

**HB 811, with House Committee Amendment No. 1**, relating to Healthy Missouri Children Corporation, was taken up by Representative Lakin.

Representative Lakin offered **HS HB 811.**

Representative Lakin offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 811, Page 4, Section 3, Line 20, by inserting immediately after the word "**corporation**" and before the semicolon"**;**" the following:

"**provided, however, that nothing in this act is intended to require a school or a school district to participate in this program**."

Representative Ridgeway offered House Substitute Amendment No. 1 for House Amendment No. 1.

House Substitute Amendment No. 1 for House Amendment No. 1 was withdrawn.

Representative Kelley (47) offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 811, Page 1, Section 1, Line 7, by deleting the figure "**6**" found on said line and inserting in lieu thereof the figure "**7**";

And further amend said bill, Page 2, Section 3, Subsection 1, Line 11, by deleting the words "**school children**" found on said line and inserting in lieu thereof the word "**children's**";

And further amend said bill, Page 4, Section 3, Lines 17-18, by deleting the words "**local school boards, private schools, or other**";

And further amend said bill, Page 5, Section 3, Line 3, by deleting the words "**the commissioner of education**";

And further amend said bill, Page 6, Section 4, Line 14, by deleting the word "**six**" and inserting in lieu thereof the word "**seven**";

And further amend said bill, Page 6, Section 4, by deleting the words "**the commissioner of education**" found on lines 12-13 and on line 19 of said section;

And further amend said bill, Page 8, Section 6, by deleting the word "**student**" on line 16 and inserting in lieu thereof the word "**child**";

And further amend said bill, Page 9, Section 6, Line 9, by inserting immediately after said line, the following new section:

"**Section 7. The healthy Missouri children corporation shall not contract with any school, school board, or any local school district to provide any services authorized pursuant to this act.**".

**HB 811, with House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1 and HS, pending**, was laid over.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report #2 on **SCS SB 430**, and has taken up and passed **SCS SB 430 as amended by CCR#2**.

Emergency Clause Adopted.

CONFERENCE COMMITTEE REPORT NO. 2

ON

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL 430

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Committee Substitute for Senate Bill No. 430 with House Substitute Amendment No. 1 for House Committee Amendment No. 1 and House Amendments No. 1 and No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2;

2. That the Senate recede from its position on House Substitute Amendment No. 1 for House Committee Amendment No. 1 and House Amendment No. 1;

3. That the attached Conference Committee Amendment No. 1 be adopted; and

4. That Senate Committee Substitute for Senate Bill No. 430 with House Substitute Amendment No. 1 for House Committee Amendment No. 1, House Amendment No. 1 and Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Wayne Crump /s/ Harold L. Caskey

/s/ Craig Hosmer /s/ James Mathewson

/s/ Francis Overschmidt John Scott

/s/ John Griesheimer /s/ Sam Graves

Merrill Townley /s/ David Klarich

*Conference Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 430, Page 10, Section 595.020, Line 69, by adding immediately after said line, the following:

"**Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency, as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of this section, shall expire on August 28 of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of this act, is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.**

**5. The provisions of this section shall not take effect if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.**

**6. The provisions of this section shall not apply to any rules promulgated pursuant to chapter 595, RSMo.**"; and

Further amend the title and enacting clause accordingly.

**CCR #2 SCS SB 430**, relating to community corrections, was taken up by Representative Crump.

On motion of Representative Crump, Rule 60 was suspended and CCR #2 SCS SB 430 was adopted by the following vote:

AYES: 127

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Franklin Fritts Gaskill Gaston

Gibbons Graham 24 Graham 106 Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hohulin

Holand Hollingsworth Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kreider

Lakin Lawson Legan Levin Liese

Linton Lograsso Luetkenhaus Lumpe Marble

May 108 Mays 50 McClelland Merideth Miller

Murphy Murray O'Connor Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shields Smith Stokan

Stoll Stroker Summers Tate Thompson 37

Townley Vogel Wiggins Williams 121 Wilson

Wooten Mr. Speaker

NOES: 002

Backer Foster

PRESENT: 000

ABSENT WITH LEAVE: 034

Bland Cooper Dolan Ford Froelker

Goward Gratz Hand Hegeman Hickey

Hoppe Hosmer Kissell Koller Leake

Long Loudon McBride McLuckie Monaco

Naeger Nordwald O'Toole Rizzo Shelton 57

Skaggs Steen Surface Thomason 163 Treadway

Troupe Van Zandt Wannenmacher Williams 159

On motion of Representative Crump, **SCS SB 430, as amended by CCR #2**, was truly agreed to and finally passed by the following vote:

AYES: 134

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Holand Hollingsworth

Hosmer Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Kreider Lakin Lawson

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McClelland Merideth Miller

Monaco Murphy Murray O'Connor Ostmann

Overschmidt Parker Pouche Pryor Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stroker Summers Surface Tate

Townley Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Foster Patek Purgason

PRESENT: 000

ABSENT WITH LEAVE: 026

Bland Dolan Foley Ford Goward

Gratz Hand Hickey Hoppe Howerton

Kelly 27 Koller Leake McBride McLuckie

Naeger Nordwald O'Toole Rizzo Skaggs

Stoll Thomason 163 Thompson 37 Treadway Troupe

Van Zandt

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 135

Alter Auer Ballard Barry 100 Bartelsmeyer
Bauer Bennett 15 Berkstresser Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Champion Cierpiot Clayton Cooper Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Franklin Fritts
Froelker Gaskill Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hoppe Hosmer Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor Ostmann Overschmidt Parker Pouche
Pryor Ransdall Reinhart Relford Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Smith Stokan
Stroker Summers Surface Tate Thomason 163
Townley Treadway Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 015

Akin Backer Barnett 4 Boatright Carter
Chrismer Foster Gaston Gibbons Hohulin
Patek Purgason Richardson Ridgeway Steen

PRESENT: 000

ABSENT WITH LEAVE: 013

Crawford Ford Goward Hand Howerton

Lograsso O'Toole Reynolds Skaggs Stoll

Thompson 37 Troupe Van Zandt

On motion of Representative Farnen, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Stokan moved that motion lay on the table.

The latter motion prevailed.

**SIGNING OF SENATE BILL**

All other business of the House was suspended while **SCS SB 430** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

**PERFECTION OF HOUSE BILL**

**HB 811**, **with House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1 and HS, pending**, relating to Healthy Missouri Children Corporation, was again taken up by Representative Lakin.

Representative Kelley (47) moved that House Substitute Amendment No. 1 for House Amendment No.1 be adopted.

Which motion was defeated by the following vote:

AYES: 069

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Bland Boatright Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Dolan Edwards-Pavia Elliott Enz

Evans Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Gross Hall

Hartzler 124 Hegeman Hendrickson Hohulin Howerton

Kasten Kelley 47 Legan Levin Linton

Lograsso Long Loudon Marble Merideth

Miller Murphy Naeger Nordwald Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secrest Shields Steen Summers

Surface Townley Vogel Wannenmacher

NOES: 086

Auer Backer Barry 100 Bauer Bonner

Boucher Bray 84 Campbell Carter Clayton

Copeland Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Dougherty Farmer

Farnen Fitzwater Foley Franklin Fritts

Graham 24 Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hickey Holand

Hollingsworth Hoppe Hosmer Johnson Kauffman

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Luetkenhaus

Lumpe May 108 McBride McClelland McLuckie

Monaco Murray O'Connor O'Toole Ostmann

Overschmidt Parker Ransdall Relford Reynolds

Rizzo Scheve Schilling Seigfreid Shear

Sheldon 104 Shelton 57 Smith Stokan Stoll

Stroker Tate Thomason 163 Thompson 37 Treadway

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Crump Ford Goward Hand Mays 50

Skaggs Troupe Van Zandt

Representative Tate assumed the Chair.

Representative Ridgeway offered House Substitute Amendment No. 2 for House Amendment No. 1.

*House Substitute Amendment No. 2*

*for*

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 811, Page 4, Section 3, Lines 17 and 18, by deleting the word "local school boards, private schools or" and by inserting immediately after the word "corporation" and before the semicolon; the following:

"provided however that nothing in this act is intended to define a school district or school board as an "agency" nor to require a school district or a school board to participate in this program"; and

Further amend said bill, Page 9, Section 6, Line 9, by inserting the following new section:

"Section 7. The healthy Mo. Children Corporation or its employees or agents shall not contract with any school, school board, or any local school district to provide any health care or mental health care services authorized pursuant to this act."

Representative Lakin raised a point of order that House Substitute Amendment No. 2 for House Amendment No. 1 is amending previously amended material.

Representative Tate requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Speaker Gaw resumed the Chair.

On motion of Representative Ridgeway, House Substitute Amendment No. 2 for House Amendment No. 1 was adopted by the following vote:

AYES: 104

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bauer Bennett 15 Berkstresser Bland Boatright

Broach Burton Champion Chrismer Cierpiot

Cooper Copeland Crawford Daniels 41 Davis 63

Dolan Dougherty Edwards-Pavia Elliott Enz

Evans Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Green Griesheimer

Gross Gunn Hall Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hohulin Holand

Hoppe Howerton Kasten Kauffman Kelley 47

Kissell Koller Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble McBride McClelland

Merideth Miller Murphy Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Secrest Sheldon 104

Shields Steen Stokan Stoll Stroker

Summers Surface Thomason 163 Townley Vogel

Wannenmacher Wiggins Williams 159 Wooten

NOES: 051

Auer Barry 100 Bonner Boucher Bray 84

Campbell Carter Clayton Crump Daniel 42

Davis 122 Days DeMarce Donovan Farmer

Farnen Fitzwater Foley Franklin Fritts

Graham 24 Hagan-Harrell Harlan Heckemeyer Hollingsworth

Hosmer Johnson Kelly 27 Kennedy Kreider

Lakin Lawson May 108 Mays 50 McLuckie

Monaco Murray Ransdall Relford Reynolds

Scheve Schilling Seigfreid Shear Shelton 57

Smith Tate Treadway Williams 121 Wilson

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Backer Ford Goward Hand Skaggs

Thompson 37 Troupe Van Zandt

Representative Foley offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Bill No. 811, Page 7, Section 4, Lines 14-18, by deleting all of said lines.

On motion of Representative Foley, House Amendment No. 2 was adopted.

Representative Akin offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Bill No. 811, Page 1, Section 1, Line 8 of said page, by deleting the word "**Corporation**" and inserting in lieu thereof the word "**Program**"; and

Further amend said bill, Page 1, Section 2, Lines 15 and 16 of said page, by deleting the words "**a nonprofit corporation be organized to facilitate a program**" and inserting in lieu thereof the words "**a program be established**"; and

Further amend said bill, Page 1, Section 2, Lines 18 and 19 of said page, by deleting the words "**A goal for the corporation is to cooperate**" and inserting in lieu thereof the words "**The program shall be coordinated**"; and

Further amend said bill, Page 2, Section 3, Lines 4 to 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"**Section 3. 1. The department of insurance shall establish a program to:**"; and

Further amend said bill, Page 2, Section 3, Lines 15 and 16 of said page, by deleting the words "**board of directors**" and inserting in lieu thereof the words "**department of insurance**"; and

Further amend said bill, Page 3, Section 3, Line 1 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 3, Section 3, Line 7 of said page, by deleting the word "**corporation**"; and

Further amend said bill, Page 3, Section 3, Lines 17 and 18 of said page, by deleting the words "**board of directors of the corporation**" and inserting in lieu thereof the words "**department of insurance**"; and

Further amend said bill, Page 4, Section 3, Line 1 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 4, Section 3, Line 5 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 5, Section 3, Line 9 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 4, Section 3, Line 11 of said page, by deleting the words "**the corporation and**"; and

Further amend said bill, Page 4, Section 3, Line 13 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 4, Section 3, Line 14 of said page, by deleting the words "**board of directors**" and inserting in lieu thereof the words "**department of insurance**"; and

Further amend said bill, Page 4, Section 3, Line 16 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 4, Section 3, Line 20 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 5, Section 3, Line 1 of said page, by deleting the words "**insurance, the director of the department of**"; and

Further amend said bill, Page 5, Section 3, Line 8 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 5, Section 3, Lines 11 and 12 of said page, by deleting the words "**board of directors**" and inserting in lieu thereof the words "**department of insurance**"; and

Further amend said bill, Page 5, Section 3, Line 13 of said page, by deleting the word "**corporation's**"; and

Further amend said bill, Page 5, Section 3, Line 15 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 5, Section 3, Line 19 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 5, Section 3, Lines 20 to 22 of said page and Lines 1 to 7 of Page 6, by deleting all of said lines; and

Further amend said bill, Page 6, Section 4, Lines 8 to 22 of said page and Lines 1 to 18 of Page 7, by deleting all of said lines; and

Further amend said bill, Page 7, Section 5, Lines 19 to 22 of said page and Lines 1 and 2 of Page 8, by deleting all of said lines and inserting in lieu thereof the following:

"**Section 4. The department of insurance shall not be deemed an insurer.**"; and

Further amend said bill, Page 8, Section 5, Line 7 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 8, Section 5, Lines 8 to 13 of said page, by deleting all of said lines; and

Further amend said bill, Page 8, Section 6, Line 14 of said page, by deleting the number "**6**" and inserting in lieu thereof the number "**5**"; and

Further amend said bill, Page 8, Section 6, Line 15 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 9, Section 6, Line 1 of said page, by deleting the word "**corporation**" and inserting in lieu thereof the word "**program**"; and

Further amend said bill, Page 9, Section 6, Lines 3 to 6 of said page, by deleting all of said lines and inserting in lieu thereof the following: "**to chapter 610, RSMo. The department of insurance shall not release, without the written consent of the participant, or the parent or guardian of the participant, to any other state or federal agency, any private business**"; and

Further amend said bill, Page 9, Section 6, Lines 8 and 9 of said page, by deleting the words "**A violation of this subsection is a class A misdemeanor.**".

Representative Akin moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Riback Wilson offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Bill No. 811, Page 2, Section 3, Subsection 1, Line 11, by deleting the words "**school children**" found on said line and inserting in lieu thereof the word "**children's**"; and

Further amend said bill, Page 8, Section 6, by deleting the word "**student**" on line 16 and inserting in lieu thereof the word "**child**".

On motion of Representative Riback Wilson, House Amendment No. 4 was adopted.

Representative Scheve assumed the Chair.

Representative Shields offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Bill No. 811, Page 1, Section 4.1, Line 8, by deleting said section and replacing it with the following:

"Section 4.1. The Healthy Missouri Children Corporation shall operate subject to the supervision and approval of a board of directors, three of which shall be appointed by the Speaker of the House of Representatives, three of which shall be appointed by the President Pro Tem of the Senate, three of which shall be appointed by the minority floor leader of the House of Representatives, and three of which shall be appointed by the minority floor leader of the Senate. The director of the department of health, the director of the department of

insurance, the director of the department of social services, the commissioner of education, and the director of the department of mental health shall serve in an advisory capacity to the board of directors."

Representative Shields moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 072

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Cooper Crawford

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Foster Froelker Gaskill Gaston

Gibbons Graham 106 Griesheimer Gross Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten Kauffman Kelley 47

Legan Levin Linton Lograsso Long

Loudon Marble McClelland Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Shields Steen Summers Surface

Townley Vogel

NOES: 081

Auer Barry 100 Bauer Bland Bonner

Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dougherty Farmer

Farnen Fitzwater Foley Franklin Fritts

Graham 24 Gratz Green Gunn Hagan-Harrell

Harlan Heckemeyer Hickey Hollingsworth Hoppe

Hosmer Johnson Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus Lumpe May 108 Mays 50

McLuckie Merideth Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Reynolds Rizzo Scheve Schilling Seigfreid

Shear Sheldon 104 Shelton 57 Smith Stokan

Stoll Stroker Tate Thomason 163 Thompson 37

Treadway Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Backer Ford Goward Hand McBride

Skaggs Troupe Van Zandt Wannenmacher Wooten

**HB 811, with House Committee Amendment No. 1 and HS, as amended, pending**, was laid over.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCR 21**, begs leave to report it has examined the same and recommends that it **Do Pass.**

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative functions at our State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive *State Office Space Study and Master Plan* after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, one of the primary goals of this strategic plan was to address those issues which inhibit the efficient delivery of government services to the citizens of the state; and

WHEREAS, in this *State Office Space Study and Master Plan*, a specific reference to the State Capitol declared "The State Capitol Building, with the exception of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding", and "Many spaces are poorly ventilated, lighted and appointed creating an uncomfortable and unsophisticated office environment"; and

WHEREAS, also in this office space study, it was suggested that the current Missouri Department of Transportation (MODOT) Headquarters Building could be made available to relieve Capitol overcrowding with the construction of a new office building for MODOT; and

WHEREAS, remodeling the existing MODOT Headquarters Building to serve as a "Capitol Annex" is the most viable long-term solution to the problem of Capitol overcrowding that has yet been submitted, however, the earliest that the final implementation of this solution would be realized would, in all likelihood, be the year 2004; and

WHEREAS, one short-term measure that has been implemented to address the problem of inadequate facilities at the Capitol is the appropriation of significant sums of money for the renovation of existing offices that are much too small and crowded to begin with, and which can gain relatively little in the way of becoming more livable and functional after the expenditure of this money; and

WHEREAS, legislators and their staff deserve to work in a safe, comfortable, and adequately-spaced office environment in order to provide the most efficient and effective service possible for the people of Missouri; and legislators, staff, and private citizens are entitled to conduct state business in a safe and comfortable environment when meeting in the various hearing rooms and committee rooms within our State Capitol; and

WHEREAS, expedient measures need to be implemented to provide effective short-term solutions for the problem of overcrowding at the State Capitol; and

WHEREAS, Section 8.460, Revised Statutes of Missouri, subsection 1, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the general assembly deems necessary to provide adequate space for its members; and

WHEREAS, Section 8.015, Revised Statutes of Missouri, gives Senate Administration exclusive control over the Senate Chamber, the Senate Committee rooms, the offices of the members of the Senate at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the Senate, and states that "No use of any of said quarters other than by the Senate, its members or officers shall be made except with the written consent of the Senator or officer occupying the office rooms and upon the order of the accounts committee"; and

WHEREAS, Section 8.017, Revised Statutes of Missouri, gives the House Committee on Accounts, Operation and Finance exclusive control over the House Chamber, the House Committee rooms, the offices of the members of the House at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the House, and states that "No use of any of said quarters other than by the House, its members or officers shall be made except with the written consent of the Representative or officer occupying the office rooms and upon the order of the accounts committee":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby declare all office rooms, committee rooms, hearing rooms, and all other rooms and facilities within the State Capitol building to be under the domain and control of the Missouri General Assembly through the House Accounts, Operation and Finance Committee and Senate Administration, and further assert the right to reserve any and all of these rooms and facilities for the exclusive use of legislators and legislative staff; and

BE IT FURTHER RESOLVED that the General Assembly hereby calls upon the Office of Administration to take steps to bring about the expedient re-location of the Missouri Department of Transportation so that the current MODOT Headquarters building may be renovated to serve as an annex to the State Capitol; and

BE IT FURTHER RESOLVED that the House Committee on Accounts, Operation and Finance and Senate Administration be directed to coordinate efforts with the Office of Administration to bring about the expedient re-location of the Missouri Department of Transportation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Administration, the House Committee on Accounts, Operation and Finance, and for Senate Administration.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 511**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SB 468**, begs leave to report it has examined the same and recommends that it **Do Not Pass.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 342**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **SB 70**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 6**, entitled:

An act to repeal sections 400.1-105, 400.1-206, 400.2-512, 400.4-104, 400.5-102, 400.5-103, 400.5-104, 400.5-105, 400.5-106, 400.5-107, 400.5-108, 400.5-109, 400.5-110, 400.5-111, 400.5-112, 400.5-113, 400.5-114, 400.5-115, 400.5-116, 400.5-117, 400.8-102, 400.8-103, 400.8-104, 400.8-105, 400.8-106, 400.8-107, 400.8-108, 400.8-109, 400.8-201, 400.8-202, 400.8-203, 400.8-204, 400.8-205, 400.8-206, 400.8-207, 400.8-208, 400.8-301, 400.8-302, 400.8-303, 400.8-304, 400.8-305, 400.8-306, 400.8-307, 400.8-308, 400.8-309, 400.8-310, 400.8-311, 400.8-312, 400.8-313, 400.8-314, 400.8-315, 400.8-316, 400.8-317, 400.8-318, 400.8-319, 400.8-320, 400.8-321, 400.8-401, 400.8-402, 400.8-403, 400.8-404, 400.8-405, 400.8-406, 400.8-407, 400.8-408, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-309 and 400.9-312, RSMo 1994, and sections 400.9-306 and 400.9-402, RSMo Supp. 1996, relating to the uniform commercial code, and to enact in lieu thereof eighty-seven new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 176**, entitled:

An act to amend chapter 644, RSMo, by adding one new section relating to the authorization of additional state bonds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 208**, entitled:

An act to repeal sections 41.435, 42.002 and 42.105, RSMo 1994, and section 173.239, RSMo Supp. 1996, relating to the Missouri national guard, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 327**, entitled:

An act to amend chapter 355, RSMo, by adding thereto eleven new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 264**, entitled:

An act to repeal section 178.930, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 22**, entitled:

An act to repeal sections 178.420 and 178.635, RSMo Supp. 1996, relating to Linn State Technical College, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, April 15, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-first Day, Thursday, April 10, 1997, page 1022, line 4, by deleting the name "Lumpe" and inserting in lieu thereof the name "Luetkenhaus".

Page 1024, by deleting lines 17 and 18, and inserting in lieu thereof the following: "On motion of Representative Hartzler (124), House Amendment No. 6 was adopted."

Pages 1014 and 1015, roll call, by showing Representative Reinhart voting "aye" rather than "absent with leave".

Page 1015, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Page 1017, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1018 and 1019, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Page 1023 and 1024, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Pages 1024 and 1025, roll call, by showing Representative Luetkenhaus voting "aye" rather than "no".

**COMMITTEE MEETINGS**

AGRICULTURE

Tuesday, April 15, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 357

BUDGET

Tuesday, April 15, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 301, HJR 14, HB 15

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 16, 1997, 8:00 am. Hearing Room 5. Possible executive session.

To be considered - SB 51

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 16, 1997. Hearing Room 1 upon morning adjournment.

To be considered - Executive Session - SB 249, Executive Session - SB 265

COMMERCE

Wednesday, April 16, 1997. Hearing Room 8 upon morning adjournment.

Executive session may follow.

To be considered - SB 165

CONSUMER PROTECTION

Tuesday, April 15, 1997. Hearing Room 1 upon afternoon adjournment.

Executive session to follow.

To be considered - SB 410

CORRECTIONAL & STATE INSTITUTIONS

Tuesday, April 15, 1997, 1:00 pm. Hearing Room 8. Executive session.

To be considered - SB 367, SB 218

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 15, 1997, 8:30 am. Hearing Rooms 1 and 2.

To be considered - HB 222, HB 838, HB 880, Executive Session - HB 579, SB 187

ENVIRONMENT AND ENERGY

Tuesday, April 15, 1997, 1:00 pm. Hearing Room 5. Executive session will follow.

Consent bills to be considered.

To be considered - SB 408

INSURANCE

Tuesday, April 15, 1997, 8:00 am. Hearing Room 8. Executive session senate bills only.

To be considered - SB 150

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 15, 1997, 12:30 pm. Hearing room 4. Executive session may follow.

AMENDED NOTICE

To be considered - SB 437, SB 371, SB 303, SB 395, SB 58, SB 104, SB 241,

SB 316, SB 254

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 16, 1997, 9:00 am. Hearing Room 7. Executive session to follow.

AMENDED NOTICE

To be considered - HR 329, HR 345, HR 497, HCR 27, SB 459, SB 29, HB 790

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, April 15, 1997, 1:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 59, SB 120

PROFESSIONAL REGISTRATION & LICENSING

Tuesday, April 15, 1997, 9:30 am. Room 401B.

To be considered - Executive Session - SB 262, Executive Session - SB 320

PUBLIC HEALTH AND SAFETY

Tuesday, April 15, 1997. Hearing Room 9 upon morning adjournment.

Executive session to follow.

To be considered - SB 97

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, April 17, 1997, 8:30 am. Hearing Room 7. Executive session.

TOURISM, RECREATION AND CULTURAL AFFAIRS

Tuesday, April 15, 1997, 9:00 am. Hearing Room 5. Executive session may follow.

To be considered - SB 353

WAYS AND MEANS

Tuesday, April 15, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 331

**HOUSE CALENDAR**

FIFTY-THIRD DAY, TUESDAY, APRIL 15, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 146 - Scheve

2 HB 811, HCA 1, HS, as amended, pending - Lakin

3 HB 373 - Kreider

4 HB 105, HCA 1 - Copeland

5 HB 129 - Shear

6 HCS HB 664 - Ross

7 HCS HB 474 - Smith

8 HCS HB 696 - Days

9 HCS HB 451 - Wiggins

10 HB 777 - Hosmer

11 HB 215, HCA 1 & 2 - Dougherty

12 HCS HB 697 - Relford

13 HCS HB 331 - O'Toole

14 HCS HB 349 - Farmer

15 HCS HB 595 - Koller

16 HCS HB 50 - Gratz

17 HCS HB 282 - Kissell

18 HB 232, HCA 1 - Dougherty

19 HCS HB 436 & 260 - Treadway

20 HCS HB 560 - Lakin

21 HB 266 - Stoll

22 HCS HB 206 - Koller

23 HCS HB 641 & 593 - Fitzwater

24 HB 262 - Murray

25 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

26 HCS HB 669 - Stroker

27 HB 513 - Clayton

28 HB 578 - Williams (121)

29 HB 702 - McLuckie

30 HB 376 - Leake

31 HCS HB 459 - Shelton (57)

32 HB 57 - Shear

33 HB 850 - Kelly (27)

34 HCS HB 723, 789 & 372 - Dougherty

35 HB 681 - Fitzwater

36 HB 542 - Farnen

37 HCS HB 508 & 145 - Stokan

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

HCS HB 396 - Hosmer

HCS HB 748 & 605 - McLuckie

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 14, (Budget Fiscal 4-9-97) - Days

**HOUSE BILLS FOR THIRD READING**

HS HCS HB 472, (Budget Fiscal 4-8-97) - Luetkenhaus

HB 301, (Budget Fiscal 4-14-97) - Lumpe

HS HB 389 - Luetkenhaus

HCS HB 214 - Thomason (163)

**HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE**

HCS HB 288, (Budget Fiscal 4-10-97) - Lumpe

HB 58, (Budget Fiscal 4-8-97) - Thomason (163)

**HOUSE BILL FOR THIRD READING - CONSENT**

HB 772 - Barnett

**SENATE BILLS FOR SECOND READING**

SB 6

SS SB 22

SB 176

SS SB 208

SB 264

SS SCS SB 327

**SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 242 - Fritts

2 SB 215 - Skaggs

3 SB 146, E.C. - Lumpe

4 SB 424 - Crump

5 SB 416 -

6 SB 131 - Koller

7 SB 179, HCA 1 - Williams (159)

8 HCS SB 161, E.C. - Kelly (27)

9 HCS SB 164 - Smith

10 SB 398 -

11 HCS SB 375 - Hosmer

12 HCS SB 309 - Franklin

13 SB 310, E.C. - Bray

14 HCS SCS SB 389 - Hagan-Harrell

15 SB 152 - Davis (122)

16 SB 246 - Riback Wilson

**HOUSE BILLS WITH SENATE AMENDMENTS**

SCS HCS HB 8, as amended, - Franklin

SCS HCS HB 9, as amended, - Lakin

SCS HCS HB 10 - Carter

SCS HCS HB 11 - Lakin

SCS HCS HB 356 - Skaggs

**BILLS CARRYING REQUEST MESSAGES**

SCS HCS HB 2, req. Sen. recede/grant House conf. - Franklin

SCS HCS HB 3, as amend, req.Sen.recede/grant House conf. - Franklin

SCS HCS HB 4, req. Sen. recede/grant House conf. - Green

SCS HCS HB 5, as amend, req. Sen. recede/grant House conf. - Green

SCS HCS HB 6, as amend, req. Sen. recede/grant House conf. - Tate

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-THIRD DAY, Tuesday, April 15, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Destruction and violence are before me: strife and contention arise." (Habakkuk 1:3)

Last night was the 85th anniversary of the sinking of the Titanic on its first voyage from Belfast, Northern Ireland to New York. There have been many other disasters since then, accidents and those caused by human malice such as the Oklahoma City bombing whose anniversary occurs on Saturday.

Gracious God, we know that many question your existence or your plan or the claim that you love us in the face of those major disasters and the many ills which afflict us in our personal lives.

We pray for a stronger gift of faith that believes in your power over death and sickness and over the moral evil that we do. Strengthen our hope and the belief that there must be a better world and that until we reach it, adversity strengthens us and develops our character if we allow your power to be at work in us, and points to your better world where pain and destruction do not enter in.

We ask a special blessing on the young women here to Bring Your Daughter To Work Day - lovely tax deductions on this April 15 filing deadline.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: B. J. Ray, Jessica Ray, Jake Ray, LaRhonda Steele, Maria Ochoa, Chijioke Onukogu, Jory Lewis, Clare Anderson, Ashley Bronner, Tyler Martin, Justin Dacus, Rachel Tiffany, Keith Majors, Kyle Nungester, Julie Trout, Nick Boyd, Katie Fisher, Nick Leavens, Laura Osterhaus, Greg Newell, Angela Reever, Seth Christian, Michelle Scholbe, Curtis McDaniels, Kelsey Kimball, John Seaber, Margaret "Meg" Berkbigler, Kristen Vogel, Erin Baysinger, Erin Barry, Jennifer Allen, Julie Markway, Cierra Cross, Ashleigh Manlove, Brooke Hollingsworth, Carrie George, Gara Lacey, Mitisha Racquel Blunt, Becky Rutledge, Alison Casper, Lindsey Harmon, Jennifer Harmon, Jennifer Howerton, Lacey Andreas Kreider, Meghan Stanislaus, Angela Mann, Leslie Brondel, Jamie Pabst, Cindy Miller, Heather Marsh, Nicole Nieters, Meghan O'Connor, Kari Hisaw, Misty Bodenschapz, Alexandria Ammons, Kasey Hibler, Megan Beetsma, Michelle Lutker, Lisa Pavia, Jennifer Nye, Theresa Harter, Laura Harter, Stacey Reynolds, Mary Reynolds, Meghan Moonier, Carolyn Wallace, Lydia Wallace, Angie Hunze, Brittany Lynn Schulte, Nichole

Renee Pelker, Adair Stokan, Rebecca Stroker, Haley Smith, Katherine Summers, Melissa Keeling, Sara Whites-Koditschek, Jessie Atwell, Frank Atwell, Seth Atwell, Phillip Williams, Lindsey Williams, Jenny Foster, Tim Foster, Brittany Lynn Schulte, Nichole Renee Pelker, Elizabeth Hailey, Mary Gross, Tylor Lucas, John Gross, James Gross, Neeley Dawn Kreider, Katy Aull, Camile Novak, Sarah Perez, Julie Cottom, Chelle Thomas, Ashley Gibson, Amber Myers and Demaris Lee.

The Journal of the fifty-second day was approved as corrected.

**RESOLUTIONS**

Representative Kelly (27) offered House Resolution No. 578, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 579, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murray offered the following Proclamation which was read.

**PROCLAMATION**

WHEREAS, the youth of today will be the leaders of tomorrow; and

WHEREAS, today's youth need to be exposed to the many potential careers that are open to them; and

WHEREAS, in 1993, the "Take our Daughters to Work Day" was established to bring young women in the workplace in an effort to build self-esteem by showing them all the career choices that are available to women today; and

WHEREAS, the Missouri House of Representatives and State Senate will host a number of young women from across Missouri on April 15, 1997, to participate in the fifth annual "Take our Daughters to Work Day"; and

WHEREAS, these young women will have the opportunity to see first-hand the brisk pace and numerous responsibilities shouldered by the women of the Missouri General Assembly; and

WHEREAS, they will also be introduced in the House and Senate, tour the Capitol, and participate in a special luncheon; and

WHEREAS, the Office of the Governor believes it to be appropriate to recognize such worthwhile events:

NOW, THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, do hereby proclaim April 15, 1997, as

TAKE OUR DAUGHTERS TO WORK DAY

in Missouri and encourage all Missourians to follow the fine example set by the Missouri House of Representatives and State Senate and bring young women into the workplace to explore the possibilities open to women today.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 15th day of April, 1997.

**SECOND READING OF SENATE BILLS**

**SB 6, SS SB 22, SB 176, SS SB 208, SB 264,** and **SS SCS SB 327** were read the second time.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 58 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HS HCS HB 472 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 288 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1** and **HB 410**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**THIRD READING OF HOUSE BILLS**

**HS HB 389**, relating to handicapped parking spaces, was taken up by Representative Luetkenhaus.

Representative Luetkenhaus offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Bill No. 389, Page 2, Section 301.142, Line 16 by inserting after the word "[his]" the words "**the applicant's**"; and

Further amend said bill, Page 2, Section 301.142, Line 39 by deleting the word "two" and inserting in lieu thereof the words "[two] **three**"; and

Further amend said bill, Page 6, Section 301.143, Line 38 by deleting all of said line and inserting in lieu thereof the following: "fifty dollars nor more than [two] **three** hundred dollars. Any vehicle".

On motion of Representative Luetkenhaus, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Luetkenhaus, **HS HB 389, as amended,** was read the third time and passed by the following vote:

AYES: 152

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Copeland Crawford

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stroker Summers Surface Tate

Thomason 163 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Cooper

PRESENT: 000

ABSENT WITH LEAVE: 010

Akin Crump Farmer Ford Goward

Hand Skaggs Stoll Thompson 37 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Bland moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 214**, relating to motorcycle franchise practices, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), **HCS HB 214** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Smith Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Crump Farmer Ford Goward Hand
Harlan Ross Shear Skaggs Steen
Thompson 37 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILL - CONSENT**

**HB 772**, relating to Transportation Department property, was taken up by Representative Barnett.

On motion of Representative Barnett, **HB 772** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Cooper Copeland
Crawford Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Dougherty Edwards-Pavia
Elliott Enz Evans Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Hendrickson Smith Williams 121

PRESENT: 001

Donovan

ABSENT WITH LEAVE: 009

Clayton Crump Farmer Ford Goward
Hand Skaggs Thompson 37 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Daniels (41) moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

**PERFECTION OF HOUSE BILLS**

**HCS HB 146**, relating to state income tax, was taken up and placed on the Informal Calendar.

**HB 811, with House Committee Amendment No. 1 and HS, as amended, pending**, relating to Healthy Missouri Children Corporation, was taken up and placed on the Informal Calendar.

**HB 373**, relating to school building revolving fund, was taken up by Representative Kreider.

Representative Kreider offered **HS HB 373**.

Representative Kreider offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Bill No. 373, Page 7, Section 166.300, Lines 17-18, by striking the phrase "**pursuant to sections 1 to 4 of this act**." and inserting in lieu thereof "**consistent with state law**."

Representative Kreider moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Kreider, **HS HB 373** was adopted.

On motion of Representative Kreider, **HS HB 373** was ordered perfected and printed.

**HB 105, with House Committee Amendment No. 1**, relating to school district operating levy, was taken up by Representative Copeland.

On motion of Representative Copeland, House Committee Amendment No. 1 was adopted.

Representative Kreider resumed the Chair.

On motion of Representative Copeland, **HB 105, as amended,** was ordered perfected and printed.

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SS#2 SCS SBs 202, 23 & 183** - Social Services, Medicaid and the Elderly

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Hanna Day, Brittany Day, Carisa Day, Jimmy Cummings, Jamie Cummings, Beth Cummings, Hannah Moore, Catherine Moore, Andrew Moore, Theresa Creel, Beth Wiese, Teresa Hannegan and David Hannegan.

**RESOLUTIONS**

Representative Gunn offered House Resolution No. 580, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Enz and Hendrickson offered House Resolution Nos. 581 through 594, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reynolds, et al, offered House Resolution No. 595, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scott offered House Resolution No. 596, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Kelly (27) offered House Concurrent Resolution No. 32.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 12**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 7**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 1 and Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Pages 15 and 16, Sections 7.110, 7.115, 7.120 and 7.125, by deleting said sections in their entirety.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 23, Section 7.700, Line 4, by deleting the number "1,769,744" and inserting in lieu thereof the number "1,569,774"; and

Further amend said section, line 5, by deleting the number "5,697,927" and inserting in lieu thereof the number "5,497,927"

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 12**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 2

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 12, Page 17, Section 12.235, Line 5, by deleting the number "$634,542" and inserting in lieu thereof the number "$609,542", and

Further amend said section, line 6 by deleting the number "$3,963,245" and inserting in lieu thereof the number "$3,938,245",

In which the concurrence of the House is respectfully requested.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 7, as amended, SCS HCS HB 8, as amended, SCS HCS HB 9, as amended, SCS HCS HB 10, SCS HCS HB 11,** and **SCS HCS HB 12, as amended,** relating to appropriations, were taken up by Representative Lumpe.

Representative Lumpe moved that the House refuse to adopt **SCS HCS HB 7, as amended, SCS HCS HB 8, as amended, SCS HCS HB 9, as amended, SCS HCS HB 10, SCS HCS HB 11** and **SCS HCS HB 12, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 002

Gunn Reynolds

NOES: 000

PRESENT: 143

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Edwards-Pavia Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fritts Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor Ostmann Overschmidt

Parker Patek Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 018

Crump Daniel 42 Dolan Dougherty Farmer

Ford Froelker Goward Hagan-Harrell Hall

Hand Hickey McBride O'Toole Pouche

Ridgeway Skaggs Troupe

**SIGNING OF HOUSE BILLS**

All other business of the House was suspended while **HB 1** and **HB 410** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 1** and **HB 410** were delivered to the Governor by the Chief Clerk of the House.

**THIRD READING OF HOUSE BILLS**

**HS HCS HB 472**, relating to employment security, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HS HCS HB 472** was read the third time and passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Crump Daniel 42 Farmer Ford Goward
Hand Overschmidt Skaggs Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS - FEDERAL MANDATE**

**HCS HB 288**, relating to public drinking water, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HCS HB 288** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Crump Daniel 42 Farmer Ford Goward
Hand Overschmidt Skaggs Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HB 58**, relating to motor vehicle records, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), **HB 58** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bartelsmeyer Crump Daniel 42 Farmer Ford
Goward Hand Holand Monaco Overschmidt
Schilling Skaggs Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Murray moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HB 129**, relating to post-mastectomy coverage, was taken up by Representative Shear.

Representative Green assumed the Chair.

On motion of Representative Shear, **HB 129** was ordered perfected and printed.

**HCS HB 664**, relating to veterans honor guard, was taken up by Representative Ross.

Representative Scheve offered House Amendment No. 1.

Representative Ross raised a point of order that House Amendment No. 1 is not germane to the bill.

Representative Green requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

House Amendment No. 1 was withdrawn.

Representative Scheve offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 664, Page 6, Section 313.835, Line 38, by adding immediately after said line the following:

"**After the veterans' trust fund and the Missouri national guard trust fund have reached a balance of one hundred million dollars respectfully, the remainder of such funds shall be appropriated and distributed to the schools in this state on an average daily attendance.**"

Representative Scheve offered House Substitute Amendment No. 1 for House Amendment

No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 664, Page 6, Section 313.835, Line 37, by adding immediately after said line the following:

"**After the veterans' trust fund and the Missouri national guard trust fund have reached a balance of one hundred million dollars respectfully, the first twenty-five million of the remainder of such funds shall be appropriated and distributed to the schools in this state on an average daily attendance basis through subsection 6 of section 163.031 RSMo.**"

Representative Thomason (163) offered House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 664, Page 6, Section 313.835, Line 37, by adding immediately after said line the following:

"**After the veterans' trust fund and the Missouri national guard trust fund have reached a balance of one hundred million dollars respectfully. It will be a good thing and we all can rejoice.**"

Representative Shields raised a point of order that House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Amendment No. 1 is in the third degree.

Representative Green requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Shields offered House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Amendment No. 1.

Representative O'Toole raised a point of order that House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Amendment No. 1 is in the third degree.

Representative Green requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken and also ruled House Substitute Amendment No. 1 for House Substitute Amendment No. 1 for House Amendment No. 1 was out of order due to a House Substitute Amendment still pending.

Representative Scheve moved that House Substitute Amendment No. 1 for House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 016

Auer Backer Campbell Carter Days

Hagan-Harrell Lumpe McLuckie Murphy Reynolds

Scheve Schilling Shear Stroker Treadway

Wilson

NOES: 129

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Broach Burton

Champion Chrismer Cierpiot Clayton Cooper

Crawford Daniels 41 Davis 63 Davis 122 DeMarce

Dolan Donovan Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lawson

Leake Legan Levin Linton Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Summers Surface Tate

Thomason 163 Townley Van Zandt Vogel Wannenmacher

Williams 121 Williams 159 Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Bray 84 Copeland Crump Daniel 42 Dougherty

Edwards-Pavia Farmer Ford Goward Hand

Harlan Lakin Liese Overschmidt Skaggs

Thompson 37 Troupe Wiggins

House Amendment No. 1 was withdrawn.

Representative O'Toole offered House Amendment No. 1.

Representative Pouche raised a point of order that House Amendment No. 1 goes beyond the scope of the bill.

Representative Green requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Kelly (27) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 664, Page 6, Section 313.835, Line 37, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 1 was adopted.

On motion of Representative Ross, **HCS HB 664, as amended,** was adopted.

On motion of Representative Ross, **HCS HB 664, as amended,** was ordered perfected and printed.

**HCS HB 474**, relating to juvenile court personnel as state employee, was taken up by Representative Smith.

Representative Smith offered **HS HCS HB 474.**

Speaker Gaw resumed the Chair.

Representative Purgason offered House Amendment No. 1.

House Amendment No. 1 was withdrawn.

Representative Purgason offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 474, Page 4, Section 211.393, Line 4, by deleting **Dec 31, 1996** and inserting in lieu thereof **Dec 31, 1995**

Representative Purgason moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Smith, **HS HCS HB 474** was adopted.

On motion of Representative Smith, **HS HCS HB 474,** was ordered perfected and printed.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 449** - Judiciary

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 31** - Miscellaneous Bills and Resolutions

**REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The following Senate Concurrent Resolutions were referred to the Committee indicated:

**SCS SCR 7** - Utilities Regulation

**SCR 21** - Miscellaneous Bills and Resolutions

**SCR 23** - Education - Elementary and Secondary

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 6** - Banks and Financial Institutions

**SS SB 22** - Education - Higher

**SB 24** - Critical Issues

**SB 176** - Budget

**SS SB 208** - Education - Higher

**SCS SB 263** - Utilities Regulation

**SB 264** - Critical Issues

**SS SCS SB 327** - Critical Issues

**SB 358** - Children, Youth and Families

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 3 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 4** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 5 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 6 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 7 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 8 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 9 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 10** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 11** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 12 as amended** and grants the House a conference thereon.

**COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 859**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **SB 220**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 220, Page 2, Section 294.011, Line 19, by inserting after the word "**lawn**" the words "**and garden**"; and

Further amend said bill, Page 2, Section 294.011, Line 3, by inserting after the word "**lawn**" the words "**and garden**".

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HB 845**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SB 243**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SB 368**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **HCS SCS SB 408**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Insurance**, Chairman Auer reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **SB 150**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 122**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 175**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 112**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 395**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 371**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 241**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 58**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 194**, begs leave to report it has examined the same and recommends that it **House Committee Substitute Do Pass by Consent.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SB 59**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Professional Registration and Licensing**, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 262**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 262, Page 7, Section 329.080, Line 23, by striking the word "six" and inserting in lieu thereof the word "**seven**"; and

Further amend said section, Line 36, by inserting immediately after the word "hundred" the following "**fifty**"; and

Further amend said section, Line 45, by inserting immediately after the word "hundred" the following "**fifty**"; and

Further amend said section, Line 46, by inserting immediately after the word "hundred" the following "**fifty**".

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 320**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent.**

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **SCS SB 402**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 402, Section 197.400 (4), Page 2, Line 13, by deleting ";" and adding the following:

", except for services provided to their own residents by facilities as defined in subdivisions (15), (16) and (17) of section 198.006, RSMo;"

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **SCS SB 373**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 373, Page 1, in the title by inserting after the word "1994" the words "and sections 197.305, 197.313, and 197.318, RSMo, Supp 1996,"; and

Further amend said bill in the title, Line 2, by deleting the word "home"; and

Further amend said bill in the title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "four new sections"; and

Further amend said bill, Section A, Line 1, by inserting after the word "1994," the words "and sections 197.305, 197.313, and 197.318, RSMo, Supp 1996,"; and

Further amend said bill, Section A, Line 2, by deleting the words "one new section" and inserting in lieu thereof the words "four new sections"; and

Further amend said bill, Section A, Line 2, by deleting the word "Section" and inserting in lieu thereof "Sections 197.305, 197.313, 197.318"; and

Further amend said bill, Section A, Line 3, by inserting after said line the following:

197.305. As used in sections 197.300 to 197.366, the following terms mean:

(1) "Affected persons", the person proposing the development of a new health care service, the public to be served, the health systems agency and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) "Agency", the state health planning and development agency of the Missouri department of health;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) "Continuing care retirement community", a continuing care retirement community provides at the same site or location independent housing, long-term health care and other services to older persons not related by blood or marriage to the owner or operator of the continuing care retirement community under an agreement effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health related long-term care services when needed;

(6) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(7) "Expenditure minimum" shall mean:

(a) For **beds in existing or proposed** health care facilities licensed [under] **pursuant to** chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment [and new institutional health services as described in subdivision (12), paragraphs (a), (b), (c), (d), (e), (f), and (g), unless such sum exceeds federal regulations]**, provided, however, that prior to December 31, 1999, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318**;

(b) For beds or equipment [used to provide twenty-four hour accommodations, board and basic or skilled nursing care and treatment services or beds] in a long-term care hospital meeting the requirements described in 42 C.F.R., section 412.23(e), the expenditure minimum shall be zero[. Nothing in this paragraph shall change or alter the exceptions in paragraphs (e) and (g) of subdivision (12) of this section]; and

(c) For health care facilities**, new institutional health services** or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures**, excluding major medical equipment,** and one million dollars in the case of medical equipment;

(8) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, professional nursing facilities, practical nursing facilities, residential care facilities I and II, kidney disease treatment centers, including free standing hemodialysis units, **any entity delivering health services whether licensed or unlicensed,** and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not for profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified [under] **pursuant to** section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(9) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(10) "Health systems agency", a regional health planning agency established pursuant to PL 93-641 and, after December 31, 1981, in accordance with section 1512(b)(1)(B) thereof;

(11) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(12) "New institutional health service":

(a) The development of a new health care facility **costing in excess of the applicable expenditure minimum**;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (15) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were

not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(13) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(14) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(15) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.313. A continuing care retirement community, skilled nursing facility or residential care facility I or II may increase its licensed bed capacity by the lessor of ten beds or ten percent [for one] **only once during the** two-year period beginning on July 12, 1996**, and ending on July 11, 1998**. A [skilled nursing] facility's increase in beds [under] **pursuant to** this section shall only be [skilled nursing beds] **within the same licensure category**.

197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least three consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification. The provisions of sections 197.300 to 197.366 shall not apply to any of the following:

(1) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by August 1, 1996;

(2) A combined skilled nursing facility and residential care facility I and II located in a tax increment financing district which has received approval by the division of aging of plans for construction of the residential care facility I and II beds by August 1, 1995;

(3) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is located in any county of the first classification without a charter form of government with an assessed valuation of at least one billion dollars but not more than one billion five hundred million dollars;

(4) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is located in a nursing home district which is contiguous to a public hospital district located in a county of the third classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire December 31, 1999. [Nothing in this subsection shall change or alter the exceptions described in paragraphs (e) and (g) of subdivision (12) of section 197.305.]

4. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

5. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 C.F.R., section 412.23(e) under its criteria and standards for long-term care beds.

7. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 C.F.R., section 412.23(e).

**Committee on Tourism, Recreation and Cultural Affairs**, Chairman Overschmidt reporting:

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **SB 155**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 155, Page 3, Section 67.1000, Line 56, by deleting the word "or" and inserting in lieu thereof the following: "[or]"; and

Further amend said bill, Page 3, Section 67.1000, Line 58, by inserting immediately after the word "classification," the words "**or any city of the fourth classification with a population in excess of forty thousand which borders on a city of the first classification having a charter form of government which is situated in a county of the first classification with a charter form of government and such county borders another county of the first classification with a charter form of government having a population in excess of eight hundred thousand,**".

Mr. Speaker: Your Committee on Tourism, Recreation and Cultural Affairs, to which was referred **SB 353**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 353, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 67.1000, RSMo Supp. 1996, relating to tourism tax, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause."; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following: "Section A. Section 67.1000, RSMo Supp. 1996, is repealed and three"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately before the number "67.1360" the following: "67.1000,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.1000. The governing body of any county of the second classification which is north of the Missouri River and which adjoins a county with a population of more than one hundred thousand inhabitants which contains a campus of the University of Missouri, or the governing body of any county with a township form of government with a population of less than nine thousand inhabitants which adjoins at least six other counties with a township form of government, or the governing body of any county with a township form of government which

adjoins at least four other counties with a township form of government and at least one, but not more than one, county of the third classification without a township form of government with a population of less than three thousand inhabitants, **or the governing body of any county of the third classification with a population of less than ten thousand inhabitants which adjoins only two other counties,** or the governing body of any county which contains a state educational institution described as a state teachers college, as defined in paragraph (c) of subdivision (5) of section 176.010, RSMo, other than a county which adjoins the Mississippi River, or a county with a population of more than one hundred fifty thousand inhabitants, or in any county of the third classification without a township form of government which has at least thirteen thousand inhabitants but not more than fourteen thousand inhabitants and adjoins six counties of the third classification and no counties of any other classification, or any city which is the county seat of any county of the third classification which borders the state of Arkansas and contains a branch of Southwest Missouri State University, or in any third class city with a population of at least six thousand inhabitants which is the county seat of a county of the third classification with a township form of government which has a population of at least ten thousand inhabitants but not more than twelve thousand inhabitants, or any fourth class city which is the county seat of any county of the third classification which borders the state of Iowa and has at least five counties of the third classification bordering it, or any city with a special charter that is the county seat of a county of the third classification with at least six counties of the third classification bordering it, or any third class city located in two counties of the third classification only one of which has a township form of government but both of which border the same county of the first classification or any third class city with a population of at least twelve thousand inhabitants but not more than fifteen thousand inhabitants located in a county of the third classification which contains a medium security state correctional facility, or any third class city with a population of at least fifteen thousand but not more than seventeen thousand inhabitants which is the county seat of a county of the fourth classification which is operating as a county of the second classification and has a state university located in such city, or any city which is the county seat of any county of the third classification with a population of at least twenty-one thousand five hundred inhabitants which borders a county of the third classification with a population of less than three thousand inhabitants, or any city of the third classification with a population of at least eleven thousand inhabitants in a county of the first classification without a charter form of government with a population less than one hundred fifty thousand which borders two counties of the first classification with a charter form of government, or any city which is the county seat of any county of the third classification with a population not greater than nine thousand inhabitants which borders only two counties of the third classification, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not for profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes.".

Supplemental Calendar

(April 15, 1997)

**SENATE BILLS FOR THIRD READING - CONSENT**

1 SB 70, E.C. - Hollingsworth

2 SB 150 - Liese

3 SB 342 - McBride

4 SB 243 - Harlan

5 SCS SB 220, HCA 1 - Smith

6 SB 197 - Smith

7 HCS SB 387, E.C. - Smith

8 SB 346 -

9 SB 133 - Hosmer

10 SB 255 - Elliott

11 SB 318 -

12 HCS SB 148 - Liese

13 HCS SB 34 -

14 SB 155, HCA 1 - Smith

15 SB 353, HCA 1, E.C. - Crawford

16 HCS SCS SB 408 - Graham (24)

17 SCS SB 402, HCA 1 - Smith

18 HCS SB 368, E.C. - Scott

19 HCS SB 320 - McBride

20 SB 262, HCA 1 - Treadway

21 SB 175 - Hoppe

22 HCS SCS SB 194 - Clayton

23 SB 112 - Hoppe

24 HCS SB 59 - Evans

25 SB 122 - Backer

26 SB 395 - Hoppe

27 HCS SB 58 - Summers

28 SB 371 - Hoppe

29 HCS SB 241 - Hoppe

30 SCS SB 373, HCA 1 - Barry

On motion of Representative Backer, the House recessed until 8:00 p.m.

**EVENING SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

**RESOLUTION**

Representative Wooten offered House Resolution No. 597, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 2**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 4**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS**

**HB 5 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 6 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 7 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 8 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 9 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 10**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 11**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 12 as amended**: Senators Lybyer, Goode, Wiggins, Singleton and Russell.

**APPOINTMENT OF CONFEREES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SCS HCS HB 2**: Representatives Lumpe, Williams (121), Franklin, Wooten, and Kauffman

**SCS HCS HB 3**: Representatives Lumpe, Williams (121), Franklin, Cooper and Kauffman

**SCS HCS HB 4**: Representatives Lumpe, Williams (121), Green, Legan and Vogel

**SCS HCS HB 5**: Representatives Lumpe, Williams (121), Green, Legan and Vogel

**SCS HCS HB 6**: Representatives Lumpe, Williams (121), Tate, Graham (106) and Cooper

**SCS HCS HB 7**: Representatives Lumpe, Williams (121), Tate, McClelland and Cooper

**SCS HCS HB 8**: Representatives Lumpe, Williams (121), Franklin, Shields and Cooper

**SCS HCS HB 9**: Representatives Lumpe, Williams (121), Lakin, Kelly (27) and Chrismer

**SCS HCS HB 10**: Representatives Lumpe, Carter, Schilling, Shields and Burton

**SCS HCS HB 11**: Representatives Lumpe, Williams (121), Lakin, Kelley (47) and Chrismer

**SCS HCS HB 12**: Representatives Lumpe, Green, Franklin, Hegeman and Legan

**PERFECTION OF HOUSE BILL**

**HCS HB 696**, relating to elections, was taken up by Representative Days.

Representative Days offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 696, Page 1, Section A, Line 4, by deleting the number "115.123,"; and

Further amend said bill, Page 39, Section 116.260, Line 7, by deleting the opening bracket "[" after the word "be"; and

Further amend said bill, Page 39, Section 116.260, Line 7, by inserting an opening bracket "[" before the word "more".

On motion of Representative Days, House Amendment No. 1 was adopted by the following vote:

AYES: 131

Akin Alter Backer Ballard Barnett 4

Barry 100 Bennett 15 Berkstresser Bland Boatright

Boucher Bray 84 Broach Burton Campbell

Carter Chrismer Cierpiot Clayton Cooper

Crawford Daniels 41 Davis 63 Davis 122 Days

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Foster

Franklin Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor Ostmann Parker Patek

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Ross

Sallee Schilling Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Smith

Steen Stokan Stroker Summers Surface

Thomason 163 Townley Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 032

Auer Bartelsmeyer Bauer Bonner Champion

Copeland Crump Daniel 42 DeMarce Dougherty

Farmer Ford Fritts Goward Gratz

Hand Kelly 27 Liese Lumpe McBride

O'Toole Overschmidt Pouche Robirds Scheve

Schwab Skaggs Stoll Tate Thompson 37

Treadway Troupe

Representative Fitzwater offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 696, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "115.013,"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting before the number "115.387" the numbers "115.363, 115.379,"; and

Further amend said bill, Page 1, In the Title, Line 6, by inserting before the number "115.601" the numbers "115.359, 115.361, 115.373,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "forty" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the number "115.013,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting before the number "115.387" the numbers "115.363, 115.379,"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting before the number "115.601" the numbers "115.359, 115.361, 115.373,"; and

Further amend said bill, Page 1, Section A, Line 6, by deleting the word "thirty-nine" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after the word "sections" the number "115.013,"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting before the number "115.387" the numbers "115.359, 115.361, 115.363, 115,373, 115.379,"; and

Further amend said bill, Page 1, Section 115.019, Line 1, by inserting before all of said line the following:

"115.013. As used in sections 115.001 to 115.641, unless the context clearly implies otherwise, the following terms

shall mean:

(1) "Automatic tabulating equipment" includes the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot" includes the ballot card or paper ballot on which each voter may cast all votes to which he is entitled at an election;

(3) "Ballot card" is a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) "Ballot label" is the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) "Counting location" is a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) "County" means any one of the several counties of this state or the city of St. Louis;

(7) "Disqualified" [shall apply to any candidate whose name is stricken or withheld from the ballot by an election authority or court order for reason of ineligibility for office and whose name has not been restored to the ballot by the election authority or court order] **means found to be ineligible for office or voted on for office by an election authority, a court of competent jurisdiction, the Missouri ethics commission or any other body authorized by law to determine the eligibility of candidates**;

(8) "District" means an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policymaking body with representatives of other areas in the state or political subdivision;

(9) "Electronic voting system" is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment;

(10) "Established political party" for the state shall mean a political party which, at either of the last two general elections, polled for its candidate for any statewide office, more than two percent of the entire vote cast for the office; "established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(11) "Federal office" means the office of presidential elector, United States senator, or representative in Congress;

(12) "Independent" shall mean a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(13) "Major political party" means the political party whose candidates received the highest or second highest number of votes at the last general election;

(14) "Marking device" is either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device for marking paper ballots with ink or other substance which will enable the votes to be counted by automatic tabulating equipment;

(15) "New party" shall mean any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(16) "Nonpartisan" shall mean a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(17) "Political party" shall mean any established political party and any new party;

(18) "Political subdivision" means a county, city, town, village, or township of a township organization county;

(19) "Polling place" means the voting place designated for all voters residing in one or more precincts for any election;

(20) "Precincts" means the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(21) "Public office" means any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public;

(22) "Question" means any measure on the ballot which can be voted "YES" or "NO";

(23) "Relative within the second degree by consanguinity or affinity" includes a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

(24) "Special district" means any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed [under] **pursuant to** the laws of Missouri to provide limited, specific services;

(25) "Special election" includes elections called by any school district, water district, fire protection district, or other district formed [under] **pursuant to** the laws of Missouri to provide limited, specific services;

(26) "Voting district" means the one or more precincts within which all voters vote at a single polling place for any election."; and

Further amend said bill, Page 6, Section 115.127, Lines 1 to 56, by deleting all of said section and inserting in lieu thereof the following:

"115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified [under] **pursuant to** chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken

or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than five hundred registered voters and in which no newspaper qualified [under] **pursuant to** chapter 493, RSMo, is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at his voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the [thirteenth] **fifteenth** Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office, may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence."; and

Further amend said bill, Page 28, Section 115.387, Line 1, by inserting before all of said line the following:

"115.359. 1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. In addition, any person who has filed a declaration of candidacy for nomination or who is nominated for an office who wishes to withdraw as a candidate due to being named as the party candidate for a different office by a party nominating committee pursuant to sections 115.363 to 115.377 may withdraw as a candidate within five days after being named as the party candidate for a different office by the party nominating committee.

2. **Except as provided for in section 115.247, if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court in the county of such candidate's residence. No withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.**

**3.** The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in subsection 1 **or 2** of this section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.

115.361. 1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which [he] **the candidate** is the incumbent or the only candidate dies, withdraws as provided in subsection 1 **or 2** of section 115.359, or is disqualified [before the eleventh] **after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the eighth** Tuesday prior to any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 **or 2** of section 115.359, or is disqualified [before the eleventh] **after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the eighth** Tuesday prior to any primary election, leaving less candidates for the available committee positions than the number of available committee positions, filing for the office or position shall be reopened [until the eleventh Tuesday prior to the primary election or] for a period of five working days, excluding holidays and

weekends, following the death, withdrawal or disqualification[, whichever is longer,] during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which [he] **the candidate** is the only candidate dies, withdraws as provided in subsection 1 **or 2** of section 115.359, or is disqualified after [the eleventh] **5:00 p.m. on the sixth** Tuesday prior to the primary election, the election and canvass shall not proceed, and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for the position of political party committeeman or committeewoman becomes disqualified after the [eleventh] **eighth** Tuesday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

115.363. 1. Except as provided in section 115.361, a party nominating committee of a political party may select a party candidate for nomination to an office on the primary election ballot in the following cases:

(1) If there are no candidates for nomination as the party candidate due to death [or disqualification] of all **the party's** candidates after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before [9:00 a.m. on the second Monday] **5:00 p.m. on the fourth Tuesday** prior to the primary election;

(2) If there are no candidates for nomination as the party candidate due to withdrawal after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(3) If there are no candidates for nomination as the party candidate due to death or disqualification of all candidates within seven days prior to the filing deadline and if no person has filed for the party nomination within that time; [or]

(4) **If there are no candidates for nomination as the party candidate due to disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the sixth Tuesday prior to the primary election; or**

**(5)** If a candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 **or 2** of section 115.359 after the [eleventh] **eighth** Tuesday prior to the primary election, leaving no candidate.

2. **Any established political party may select a candidate for nomination, if a candidate who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection 1 or 2 of section 115.359 after 5:00 p.m. on the eighth Tuesday prior to the primary election, and at or before 5:00 p.m. on whatever day is fixed by law as the final date for withdrawing as a candidate for the office.**

**3.** A party nominating committee may select a party candidate for election to an office on the general election ballot in the following cases:

(1) If the person nominated as the party candidate shall die [or become disqualified] at or before [9:00 a.m. on the second Monday] **5:00 p.m. on the fourth Tuesday** prior to the general election;

(2) **If the person nominated as the party candidate is disqualified at or before 5:00 p.m. on the sixth Tuesday prior to the general election;**

**(3)** If the person nominated as the party candidate shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

[(3)] **(4)** If a candidate for nomination to an office in which [he] **the person** is the **party's** only candidate dies **after 5:00 p.m. on the fourth Tuesday prior to any primary election**, withdraws as provided in subsection 1 of section 115.359 **after 5:00 p.m. on the fourth Tuesday prior to any primary election**, or is disqualified after the [eleventh] **5:00 p.m. on the sixth** Tuesday before any primary election.

[3.] **4.** If a person nominated as a party's candidate who is unopposed shall die [or become disqualified at or before 9:00 a.m. on the second Monday] **at or before 5:00 p.m. on the fourth Tuesday** prior to the general election**, is disqualified at or before 5:00 p.m. on the sixth Tuesday prior to the general election,** or shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office, the party nominating committee for any established political party may select a party candidate.

[4.] **5.** A party nominating committee may select a party candidate for election to an office in the following cases:

(1) For an election called to fill a vacancy in an office;

(2) For an election held pursuant to the provisions of section 105.030, RSMo, to fill an unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to the filing deadline for the primary election and not later than the eighth Tuesday prior to the general election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a primary election, filing for the office shall be as provided for in sections 115.305 to 115.359.

115.373. 1. [The name of a candidate selected by a party nominating committee for a primary election to fill a vacancy created by withdrawal shall be certified to the secretary of state or proper election authority no later than 5:00 p.m. on the eighth Tuesday prior to the primary election. The name of a candidate selected by a party nominating committee for a general election to fill a vacancy created by withdrawal shall be certified to the secretary of state or proper election authority no later than 5:00 p.m. on the eighth Tuesday prior to the general election.] The name of a candidate selected by a party nominating committee for a primary or general election to fill a vacancy created by death**, withdrawal** or disqualification shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the twenty-eighth day after the vacancy occurs or no later than 5:00 p.m. on the **fourth** Friday [immediately] prior to the election, whichever occurs sooner. The name of a person selected by a party nominating committee as a candidate to fill an unexpired term shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the day which is midway between the day the election is called and election day.

2. If the candidate selected by a party nominating committee for a primary, general or special election ballot dies prior to the election, the vacancy created by such death may be filled in the manner provided for filling vacancies created by death on the primary and general election ballots.

115.379. 1. Whenever the only candidate of a party for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after the filing deadline and before the election, his name shall be printed on the primary, general or special election ballot, as the case may be, unless another candidate has filed for the office pursuant to the provisions of section 115.361 or a new candidate has been selected pursuant to the provisions of sections 115.363 to 115.377. Whenever any other candidate for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after [9:00 a.m. on the Friday immediately] **5:00 p.m. on the fourth Tuesday** prior to the election, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle [him] **the candidate** to nomination or election had [he] **the candidate** not died, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

2. Whenever a candidate for nomination or election to an office is disqualified after [9:00 a.m. on the Friday immediately] **5:00 p.m. on the sixth Tuesday** prior to a primary election, general election or special election to fill a vacancy, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the disqualified candidate to entitle him to nomination or election had [he] **the candidate** not become disqualified, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

3. Except as provided in subsection [2] **3** of section 115.359, subsection 2 of section 115.361 and subsections 1 and 2 of this section, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to a primary election, general election or special election to fill a vacancy, all appropriate election authorities shall see that such candidate's name is removed from the primary, general or special election ballot, as the case may be.".

On motion of Representative Fitzwater, House Amendment No. 2 was adopted by the following vote:

AYES: 075

Auer Backer Barry 100 Bauer Bonner
Bray 84 Campbell Carter Clayton Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Farnen Fitzwater Foley Fritts Graham 24
Green Gunn Hagan-Harrell Harlan Heckemeyer
Hickey Hollingsworth Hoppe Hosmer Johnson
Kauffman Kelly 27 Kennedy Kissell Kreider
Lakin Lawson Liese Long Loudon
Luetkenhaus Lumpe May 108 Mays 50 McBride
McLuckie Merideth Monaco Murray O'Connor
O'Toole Parker Ransdall Relford Reynolds
Rizzo Scheve Schilling Schwab Seigfreid
Shear Sheldon 104 Shelton 57 Smith Stokan
Stoll Stroker Thomason 163 Treadway Van Zandt
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 070

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Bland Boatright Broach
Burton Champion Chrismer Cierpiot Cooper
Crawford Dolan Donovan Edwards-Pavia Enz
Evans Foster Froelker Gaskill Gaston
Gibbons Graham 106 Griesheimer Gross Hall
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin
Holand Howerton Kasten Kelley 47 Legan
Levin Linton Lograsso Marble McClelland
Miller Murphy Naeger Nordwald Ostmann
Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Robirds Ross Sallee
Scott Secrest Shields Steen Summers
Surface Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 018

Boucher Copeland Crump Dougherty Elliott
Farmer Ford Franklin Goward Gratz
Hand Koller Leake Overschmidt Skaggs

Tate Thompson 37 Troupe

Representative Thomason (163) offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 696, Page 28, Line 31, by adding the following after said line:

115.361. 1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which he is the incumbent or the only candidate dies, withdraws as provided in subsection 1 of section 115.359, or is disqualified before the eleventh Tuesday prior to any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 of section 115.359, or is disqualified before the eleventh Tuesday prior to any primary election, leaving less candidates for the available committee positions than the number of available committee positions, filing for the office or position shall be reopened until the eleventh Tuesday prior to the primary election or for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification, whichever is longer, during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office, in which he is the only candidate, dies, withdraws as provided in subsection 1 of section 115.359, or is disqualified after the eleventh Tuesday prior to the primary election, the election and canvass shall not proceed, and a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

3. If a candidate for the position of political party committeeman or committeewoman becomes disqualified after the eleventh Tuesday prior to the primary election, the election and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated from the ballot so that no vote may be cast for that candidate.

**4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal within two working days prior to the close of filing for the office sought, the time of filing shall be extended until 5 p.m. of the first Friday following the customary date for the close of filing.**

Further amend the title accordingly.

On motion of Representative Thomason (163), House Amendment No. 3 was adopted.

Representative Long offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 696, Page 6, Section 115.125, Line 2, by inserting after the word "or" and opening bracket "["; and

Further amend said bill, Page 6, Section 115.125, Line 3, by deleting the opening bracket "["; and

Further amend said bill, Page 6, Section 115.125, Line 10, by deleting all of said line and inserting in lieu thereof the following: "required by this section may [be delivered]**, with the prior approval of the election authority receiving the notice, be accepted** by facsimile transmission **prior to 5:00 p.m. on the tenth Tuesday prior to the election**, provided that the original"; and

Further amend said bill, Page 6, Section 115.125, Lines 14 and 15, by deleting the words "**or by 5:00 p.m. on the Friday following the notice deadline set forth in this section**" and inserting in lieu thereof the words "**from the date of the facsimile transmission**"; and

Further amend said bill, Page 38, Section 116.260, Line 1, by inserting before all of said line the following:

"116.130. 1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. **If copies of the petition pages are sent to an election authority for verification, such copies shall be sent not later than one week after the petition is submitted if the election authority is to verify each signature and not later than three weeks after the petition is submitted if verification is to occur by random sampling as provided in section 116.120.** Each election authority shall check the signatures against voter registration records in [his] **the election authority's** jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. If the election authority is requested to verify the petition by random sampling, such verification must be completed [within fifteen days] **and certified not later than two weeks** from the date the election authority receives the petition from the secretary of state. **If the election authority is to verify each signature, such verification must be completed and certified to the secretary of state by 5:00 p.m. on the eleventh Tuesday prior to the election.**

2. If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which [he] **the voter** is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give [his] **the voter's** correct congressional district number shall not by itself be grounds for not counting [his] **the voter's** signature.

3. The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which [he] **the election authority** has been asked to check by the secretary of state. [He] **The election authority** shall verify the number of pages received for that county, and also certify the total number of valid signatures of voters from each congressional district which [he] **the election authority** has been asked to check by the secretary of state.

4. The secretary of state is authorized to adopt rules to insure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

5. After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if [he] **the secretary** determines that retention of such petitions is no longer necessary, may destroy such petitions or return them to the person submitting them upon written request from such person. Returned petitions shall be stamped by the secretary of state to indicate that such petitions are no longer valid.

116.150. 1. After the secretary of state makes [his] **a** determination on the sufficiency of the petition and if [he] **the secretary** finds it sufficient, [he] **the secretary** shall issue a certificate **not later than the eleventh Friday prior to the election** setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, [he] **the secretary** shall issue a certificate stating the reason for the insufficiency.

116.240. Not later than the [eighth] **tenth** Tuesday prior to an election at which a statewide ballot measure is to be voted on, the secretary of state shall send each election authority a certified copy of the legal notice to be published. The legal notice shall include the date and time of the election and a sample ballot.".

Amend title and enacting clause accordingly.

On motion of Representative Long, House Amendment No. 4 was adopted.

Representative Graham (24) offered House Amendment 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 696, Page 1, In the Title, Line 6, by inserting the number "115.284," after the number "115.283,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting the number "115.284," after the number "115.283,"; and

Further amend said bill, Page 1, Section A, Line 6, by deleting the word "thirty-nine" and inserting in lieu thereof the word "forty"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting the number "115.284," after the number "115.283,"; and

Further amend said bill, Page 27, Section 115.283, Line 137, by inserting after all of said line the following:

"115.284. 1. There is hereby established an absentee voting process to assist persons with permanent disabilities in the exercise of their voting rights.

2. The local election authority shall send an application to participate in the absentee voting process set out in this section to any registered voter residing within the election authority's jurisdiction upon request.

3. Upon receipt of a properly completed application [and physician's statement pursuant to subsection 4 of this section], the election authority shall enter the voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

4. [(1)] The application to participate in the absentee voting process shall be in substantially the following form:

State of . . . . . .

County (City) of . . . . . .

I , . . . . . (print applicant's name), declare that I am a resident and registered voter of . . . . . County, Missouri, and am permanently disabled. I hereby request that my name be placed on the election authority's list of voters qualified to participate as absentee voters pursuant to section 1 of this act, and that I be delivered an absentee ballot **application** for each election in which I am eligible to vote [during the calendar year].

. . . . . .

Signature of Voter

. . . . . .

. . . . . .

Voter's Address

[(2) The physician's statement of permanent disability shall be in substantially the following form:

State of . . . . . .

County (City) of . . . . . .

I , . . . . . (print physician's name), . . . . . (physician's license number), certify that I am licensed to practice medicine in the State of . . . . . (state) and that I have determined in my professional medical opinion that . . . . . (name of registered voter) of . . . . . (address of registered voter) has a permanent disability.

. . . . . .

Signature of Physician]

5. The election authority shall deliver to each voter qualified to participate as absentee voters pursuant to this section an absentee ballot for each election in which [he or she] **the voter** is eligible to vote [during the

calendar year, as soon as practical after absentee ballots are prepared. Delivery shall be made to the voter by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority. Absentee ballots delivered pursuant to this section shall be voted and counted in the manner provided for in sections 115.275 to 115.304]. **If the voter returns the absentee request application to the election authority not later than 5:00 p.m. on the Wednesday before an election and has retained the necessary qualifications to vote, the election authority shall provide the voter with an absentee ballot pursuant to this chapter.**

6. The election authority shall remove from the list of voters qualified to participate as absentee voters pursuant to this section any voter who:

(1) Asks to be removed from the list;

(2) Dies;

(3) Becomes disqualified from voting pursuant to the provisions of chapter 115; or

(4) No longer resides at the address of his or her voter registration.".

On motion of Representative Graham (24), House Amendment No. 5 was adopted by the following vote:

AYES: 090

Backer Ballard Bartelsmeyer Bauer Bennett 15

Bland Boatright Bonner Boucher Bray 84

Burton Campbell Carter Cooper Crawford

Daniel 42 Davis 63 Davis 122 Days DeMarce

Donovan Edwards-Pavia Elliott Farnen Fitzwater

Foley Franklin Fritts Gaston Graham 24

Graham 106 Green Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hegeman Hickey Hollingsworth

Hosmer Johnson Kasten Kauffman Kelley 47

Kelly 27 Kissell Koller Kreider Lawson

Leake Levin Liese Long Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Monaco Murphy Murray O'Connor O'Toole

Parker Ransdall Relford Reynolds Rizzo

Robirds Scheve Schilling Seigfreid Shear

Sheldon 104 Shields Smith Stokan Stoll

Stroker Surface Thomason 163 Treadway Van Zandt

Wiggins Williams 121 Wilson Wooten Mr. Speaker

NOES: 061

Akin Alter Auer Barnett 4 Barry 100

Berkstresser Broach Champion Chrismer Cierpiot

Clayton Copeland Daniels 41 Dolan Enz

Evans Foster Froelker Gaskill Gibbons

Gratz Griesheimer Gross Hall Hartzler 124

Hendrickson Hohulin Holand Hoppe Howerton

Kennedy Legan Linton Lograsso Loudon

Luetkenhaus Marble Merideth Miller Naeger

Nordwald Ostmann Patek Pouche Pryor

Purgason Reinhart Richardson Ridgeway Ross

Sallee Schwab Scott Secrest Shelton 57

Steen Summers Townley Vogel Wannenmacher

Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 012

Crump Dougherty Farmer Ford Goward

Hand Lakin Overschmidt Skaggs Tate

Thompson 37 Troupe

Representative Murray offered House Amendment No. 6.

*House Amendment No.* 6

AMEND House Committee Substitute for House Bill No. 696, Page 1, In the Title, Line 7, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, Section A, Line 6, by deleting the word "thirty-nine" and inserting in lieu thereof the word "forty"; and

Further amend said bill, Page 39, Section 247.180, Line 9, by inserting after all of said line the following:

"**Section 1. 1. After August 28, 1997, municipalities with fire departments may contract with a private company to provide fire protection service only if a majority of voters of the municipality authorize such action at a public election.**

**2. The ballot of submission shall be in substantially the following form:**

**"Shall the municipality ..... (insert name of municipality) contract with a private company for the provision of fire protection service?"**

**Yes No**

**3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided in this section.**

**4. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the municipality shall have no power to contract with any private company for the provision of fire protection service.**".

Representative Gross raised a point of order that House Amendment No. 6 is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Boatright offered House Amendment No. 1 to House Amendment No. 6.

*House Amendment No. 1*

*to*

*House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 696, Page 1, Section 1, Line 3, by placing a period after the word "service" and deleting the rest of said section.

Representative Boatright moved that House Amendment No. 1 to House Amendment No. 6 be adopted.

Which motion was defeated.

Representative Cooper offered House Amendment No. 2 to House Amendment No. 6.

Representative Shelton (57) raised a point of order that House Amendment No. 2 to House Amendment No. 6 is not germane to the amendment.

Representative Foley raised an additional point of order that House Amendment No. 2 to House Amendment No. 6 goes beyond the scope of the amendment.

The Chair ruled the points of order well taken.

Representative Akin offered House Amendment No. 2 to House Amendment No. 6.

Representative May (108) raised a point of order that House Amendment No. 2 to House Amendment No. 6 goes beyond the scope of the amendment.

The Chair ruled the point of order well taken.

Representative Froelker offered House Amendment No. 2 to House Amendment No. 6.

Representative Marble offered House Substitute Amendment No. 1 for House Amendment No. 2 to House Amendment No. 6.

Representative Foley raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 2 to House Amendment No. 6 goes beyond the scope of House Amendment No. 6.

Representative May (108) raised an additional point of order that House Substitute Amendment No. 1 for House Amendment No. 2 to House Amendment No. 6 goes beyond the scope of House Amendment No. 2 to House Amendment No. 6.

The Chair ruled the points of order well taken.

House Amendment No. 2 to House Amendment No. 6 was withdrawn.

Representative Froelker offered House Amendment No. 2 to House Amendment No. 6.

*House Amendment No. 2*

*to*

*House Amendment No. 6*

AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 696, Page 2, Section 1, Line 18, by adding after said line the following:

"Once this issue is submitted to the voters of a municipality and the issue is rejected, the issue can not be resubmitted for a vote for a period of 18 months."

On motion of Representative Froelker, House Amendment No. 2 to House Amendment No. 6 was adopted.

Representative Murray moved that House Amendment No. 6, as amended, be adopted.

Which motion was defeated.

Representative Kauffman offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 696, Page 6, Section 115.125, Line 1, by inserting the number "**1.**" after the number "115.125"; and

Further amend said bill, Page 6, Section 115.125, Line 3, by inserting after the word "or" the words "**a delay in notification pursuant to subsections 2 and 3 of this section, or**"; and

Further amend said bill, Page 6, Section 115.125, Line 21, by inserting after all of said line the following:

"**2. When an unforeseen occurrence causes a delay in notification to the election authority by the political subdivision or special district calling for the election, such political subdivision or special district shall have an additional five working days to make such notification.**

**3. When a late notification is ordered by a circuit court for good cause shown, a political subdivision or special district shall be permitted to notify the election authorities not later than four weeks prior to such election. In permitting such late notification, the court may consider:**

**(1) The ability of the election authority to make the required change;**

**(2) The harm alleged by the requesting political subdivision or special district;**

**(3) The time for voters to be informed;**

**(4) Whether the preelection publication requirements can be satisfied;**

**(5) Whether substantial justice will be served; and**

**(6) The willingness of the requesting political subdivision or special district to pay for the costs associated with the change.**".

On motion of Representative Kauffman, House Amendment No. 7 was adopted.

Representative Lumpe offered House Amendment No. 8.

House Amendment No. 8 was withdrawn.

Representative Monaco offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 696, Page 31, Section 115.507, Line 4, by inserting an opening bracket "[" before the word "In"; and

Further amend said bill, Page 31, Section 115.507, Line 5, by inserting a closing bracket "]" after the word "county."; and

Further amend said bill, Page 31, Section 115.507, Line 10, by deleting the words "**second** Thursday" and inserting in lieu thereof the words "Thursday **after the second Tuesday**"; and

Further amend said bill, Page 31, Section 115.507, Line 21, by inserting an opening bracket "[" before the word "In"; and

Further amend said bill, Page 31, Section 115.507, Line 23, by inserting a closing bracket "]" after the word "question.".

On motion of Representative Monaco, House Amendment No. 8 was adopted.

Representative Bartelsmeyer offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Committee Substitute for House Bill No. 696, Page 1, In the Title, Line 4, by inserting after the number "115.511," the numbers "115.531, 115.575, 115.577,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "forty" and inserting in lieu thereof the word "forty-three"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "115.511," the numbers "115.531, 115.575, 115.577,"; and

Further amend said bill, Page 1, Section A, Line 6, by deleting the word "thirty-nine" and inserting in lieu thereof the word "forty-two"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after the number "115.511," the numbers "115.531, 115.575, 115.577,"; and

Further amend said bill, Page 32, Section 115.511, Line 20, by inserting after all of said line the following:

"115.531. Not later than five days after the official announcement of the results of a primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the primary election shall file a verified petition in the office of the clerk of the circuit court of any circuit in which part of the election was held and in which any alleged irregularity occurred. **The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction.** The petition shall set forth the points on which the contestant wishes to contest the election and the facts [he] **the contestant** will prove in support of such points, and shall pray leave to produce [his] **such** proof. The judge of the court shall immediately note on the petition the date it was filed and shall immediately set a date, not later than five days after the petition is filed, for a preliminary hearing. If the petition is filed in vacation, the judge of the circuit court shall immediately convene the court in special session for the purpose of hearing the contest. If no regular judge of the court is available the supreme court shall immediately assign another judge. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

115.575. 1. All contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution shall be heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred. **The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction.**

115.577. Not later than thirty days after the official announcement of the election result by the election authority, any person authorized by section 115.553 who wishes to contest the election for any office or on any question provided in section 115.575 shall file a verified petition in the office of the clerk of the appropriate circuit court. **The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction.** The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held."; and

Further amend said bill, Page 32, Section 115.601, Line 2, by inserting an opening bracket "[" before the word "an" and inserting after the word "jurisdiction" a closing bracket and words "] **the office**"; and

Further amend said bill, Page 32, Section 115.601, Line 5, by inserting an opening bracket "[" before the word "in"; and

Further amend said bill, Page 32, Section 115.601, Line 6, by inserting a closing bracket "]" after the word "jurisdiction" and inserting an opening bracket before "[" the word "in"; and

Further amend said bill, Page 32, Section 115.601, Line 7, by inserting a closing bracket "]" after the word "jurisdiction".

On motion of Representative Bartelsmeyer, House Amendment No. 9 was adopted.

Representative Howerton offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Committee Substitute for House Bill No. 696, Page 19, Section 115.247, Line 21, by inserting after said line the following:

"**115.248. Whenever the reprinting of a statewide election ballot is necessary as a result of circumstances beyond the control of a local election authority, the costs of such reprinting shall be paid by the state.**"; and

Amend the title and enacting clause accordingly.

On motion of Representative Howerton, House Amendment No. 10 was adopted by the following vote:

AYES: 083

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Davis 63 DeMarce Dolan Donovan

Edwards-Pavia Elliott Enz Evans Farnen

Foster Froelker Gaskill Gaston Gibbons

Graham 106 Gratz Griesheimer Gross Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten Kauffman Kelley 47

Kissell Kreider Lawson Legan Levin

Liese Linton Lograsso Loudon Luetkenhaus

Marble McClelland Merideth Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Shields Steen Summers Townley

Vogel Wannenmacher Williams 159

NOES: 065

Auer Backer Barry 100 Bauer Bland

Boucher Bray 84 Campbell Carter Clayton

Copeland Daniel 42 Daniels 41 Davis 122 Days

Fitzwater Foley Franklin Fritts Graham 24

Green Gunn Hagan-Harrell Harlan Heckemeyer

Hollingsworth Hoppe Hosmer Johnson Kelly 27

Kennedy Koller Lakin Leake Lumpe

May 108 Mays 50 McBride McLuckie Monaco

Murray O'Connor O'Toole Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Smith

Stokan Stoll Stroker Thomason 163 Treadway

Van Zandt Wiggins Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Crump Dougherty Farmer Ford Goward

Hand Hickey Long Overschmidt Skaggs

Surface Tate Thompson 37 Troupe Wooten

Representative Scheve offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Committee Substitute for House Bill No. 696, Page 1, In the Title, Line 7, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, In the Title, Line 8, by deleting the words "a certain section" and inserting in lieu thereof the words "certain sections"; and

Further amend said bill, Page 39, Section B, Line 1, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 39, Section B, Line 2, by deleting the word and number "section 115.123" and inserting in lieu thereof the following: "sections 115.123 and 1"; and

Further amend said bill, Page 39, Section 115.123, Line 8, by deleting the words "[municipalities] **all political subdivisions**" and inserting in lieu thereof the word "municipalities"; and

Further amend said bill, Page 40, Section 115.123, Line 17, by inserting after all of said line the following:

"**Section 1. Notwithstanding the provisions of section 115.123, RSMo, to the contrary, any county, city, town or village may hold an election on the first Tuesday after the first Monday in August, 1997.**".

On motion of Representative Scheve, House Amendment No. 11 was adopted.

Representative Levin offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Committee Substitute for House Bill No. 696, Page 39, Section 115.123, Line 4, by deleting "or March but not both," and inserting in lieu thereof the following: "[or March but not both,]"; and

Further amend said bill, Page 39, Section 115.123, Line 15, by deleting "August 28, 1996," and inserting in lieu thereof the following: "[August 28, 1996,] **the effective date of this section,**"; and

Further amend said bill, Page 40, Section 115.123, Line 17, by inserting after all of said line the following:

"**5. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before the effective date of this section.**

**6. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo, but no other issues shall be on the March ballot.**".

On motion of Representative Levin, House Amendment No. 12 was adopted by the following vote:

AYES: 082

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Davis 63 Dolan Donovan Edwards-Pavia

Elliott Enz Evans Foster Froelker

Gaskill Gaston Gibbons Graham 106 Gratz

Green Griesheimer Gross Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Howerton Kasten Kauffman

Kelley 47 Kissell Koller Kreider Legan

Levin Linton Lograsso Loudon Luetkenhaus

Lumpe Marble McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secrest Shields Steen Summers

Townley Vogel

NOES: 062

Auer Backer Barry 100 Bauer Bland

Boucher Bray 84 Campbell Carter Clayton

Daniel 42 Daniels 41 Davis 122 Days DeMarce

Farnen Fitzwater Foley Fritts Graham 24

Gunn Hagan-Harrell Harlan Hollingsworth Hoppe

Hosmer Johnson Kelly 27 Kennedy Lakin

Lawson Liese May 108 Mays 50 McLuckie

Monaco Murray O'Connor O'Toole Parker

Ransdall Relford Reynolds Rizzo Scheve

Schilling Seigfreid Shear Shelton 57 Smith

Stokan Stoll Stroker Thomason 163 Treadway

Van Zandt Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 019

Copeland Crump Dougherty Farmer Ford

Franklin Goward Hand Leake Long

McBride Overschmidt Sheldon 104 Skaggs Surface

Tate Thompson 37 Troupe Wooten

Representative Sallee offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Committee Substitute for House Bill No. 696, Page 1, In the title, Line 4, by inserting after the figure "115.389," the following: "115.395,"; and

Further amend said bill, Page 1, In the title, Line 7, by deleting the word "forty" and inserting in lieu thereof the word "forty-one"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the figure "115.389," the following: "115.395,"; and

Further amend said bill, Page 1, Section A, Line 6, by deleting the word "thirty-nine" and inserting in lieu thereof the word "forty"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after the figure "115.389," the following: "115.395,"; and

Further amend said bill, Page 29, Section 115.389, Line 8, by inserting after all of said line the following:

"115.395. 1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed, except that, in the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings**; except that, in the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn**.

3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.".

Representative O'Toole raised a point of order that House Amendment No. 13 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Sallee, House Amendment No. 13 was adopted.

Representative Crawford offered House Amendment No. 14.

Representative Shelton (57) raised a point of order that House Amendment No. 14 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Cooper offered House Amendment No. 14.

Representative Smith raised a point of order that House Amendment No. 14 is out of order.

Representative May (108) raised an additional point of order that House Amendment No. 14 goes beyond the

scope of the bill.

The Chair ruled the points of order well taken.

Representative Gross offered House Amendment No. 14.

Representative May (108) raised a point of order that House Amendment No. 14 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Richardson moved the previous question.

Which was defeated by the following vote:

AYES: 070

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Bonner Broach
Champion Chrismer Cierpiot Cooper Crawford
Daniels 41 Dolan Donovan Edwards-Pavia Elliott
Enz Evans Foster Froelker Gaskill
Gaston Gibbons Graham 106 Griesheimer Gross
Hall Hartzler 123 Hartzler 124 Hegeman Hohulin
Holand Howerton Kasten Kauffman Kelley 47
Koller Legan Levin Linton Loudon
Marble McClelland Merideth Miller Naeger
Nordwald Ostmann Patek Pouche Pryor
Purgason Reinhart Richardson Robirds Ross
Sallee Schwab Scott Secrest Shields
Steen Summers Townley Vogel Wannenmacher

NOES: 070

Backer Barry 100 Bauer Bland Boucher
Bray 84 Campbell Carter Clayton Davis 63
Davis 122 Days DeMarce Farnen Fitzwater
Foley Franklin Fritts Graham 24 Gratz
Green Gunn Hagan-Harrell Harlan Heckemeyer
Hendrickson Hollingsworth Hoppe Hosmer Johnson
Kelly 27 Kennedy Kissell Kreider Lakin
Lawson Leake Liese Luetkenhaus Lumpe
May 108 Mays 50 McLuckie Monaco Murphy
Murray O'Connor O'Toole Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Shelton 57 Smith Stoll

Stroker Thomason 163 Thompson 37 Treadway Van Zandt

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 023

Auer Burton Copeland Crump Daniel 42

Dougherty Farmer Ford Goward Hand

Hickey Lograsso Long McBride Overschmidt

Ridgeway Sheldon 104 Skaggs Stokan Surface

Tate Troupe Wooten

On motion of Representative Days, **HCS HB 696, as amended**, was adopted by the following vote:

AYES: 074

Auer Backer Barry 100 Bauer Bland

Boucher Bray 84 Campbell Carter Clayton

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Farnen Fitzwater Foley Franklin

Fritts Graham 24 Gratz Green Gunn

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Liese Luetkenhaus Lumpe May 108

Mays 50 McLuckie Merideth Monaco Murray

O'Connor O'Toole Parker Ransdall Relford

Reynolds Rizzo Scheve Schilling Seigfreid

Shear Shelton 57 Smith Stoll Stroker

Thomason 163 Thompson 37 Treadway Van Zandt Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 072

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Dolan Donovan Edwards-Pavia Elliott

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kauffman

Kelley 47 Legan Levin Linton Lograsso

Loudon Marble McClelland Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Shields Steen Summers Townley

Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 017

Copeland Crump Dougherty Farmer Ford

Goward Hand Long McBride Overschmidt

Sheldon 104 Skaggs Stokan Surface Tate

Troupe Wooten

**HCS HB 696, as amended**, was laid over.

**COMMITTEE REPORT**

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **SB 69**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 69, Page 3, by adding a new section after line 27 to read as follows:

Section 3. Section 301.451, RSMo Supp. 1996, is repealed and one new section enacted in lieu thereof, to be known as section 301.451, to read as follows:

301.451. Any person who has been awarded the purple heart medal may apply for special motor vehicle license plates for any vehicle he owns, either solely or jointly, other than commercial vehicles weighing over twelve thousand pounds. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be an additional fee charged for each set of special purple heart license plates issued equal to the fee charged for personalized license plates**, but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application**. No more than two sets of purple heart license plates shall be issued to a qualified applicant. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered coowner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

The following member's presence was noted: Crump.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, April 16, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-second Day, Monday, April 14, 1997, page 1055, Line 15, by deleting the words "Exercising Tigers" and inserting in lieu thereof the words "Exercise Tiger".

Page 1046, roll call, by showing Representatives Stokan and Williams (159) voting "aye" rather than "absent with leave".

Page 1047, roll call, by showing Representatives Gibbons and Bartelsmeyer voting "aye" rather than "absent with leave".

Page 1049, roll call, by showing Representatives Akin and Bartelsmeyer voting "aye" rather than "absent with leave".

Pages 1050 and 1051, roll call, by showing Representatives Thomason (163) and Akin voting "aye" rather than "absent with leave".

Pages 1051 and 1052, roll call, by showing Representatives Akin, Franklin and Boatright voting "aye" rather than "absent with leave".

Pages 1054 and 1055, roll call, by showing Representative Purgason voting "aye" rather than "absent with leave".

Page 1058, roll call, by showing Representatives Williams (159), Nordwald, Dolan, O'Toole, Cooper, Loudon and Thomason (163) voting "aye" rather than "absent with leave".

Page 1059, roll call, by showing Representatives Thomason (163), Dolan, Foley, O'Toole and Howerton voting "aye" rather than "absent with leave".

Page 1059, roll call, by showing Representative Patek voting "aye" rather than "no".

Pages 1059 and 1060, roll call, by showing Representatives O'Toole, Howerton and Crawford voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Wednesday, April 16, 1997, 8:30 am. Hearing Room 9. Possible executive session.

To be considered - HB 15

BUDGET

Wednesday, April 16, 1997. Hearing Room 9 upon morning adjournment.

Possible executive session.

To be considered - HB 15

BUDGET

Wednesday, April 16, 1997, 8:00 pm. Hearing Room 9. Possible executive session.

To be considered - HB 15

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 16, 1997, 8:00 am. Hearing Room 5. Possible executive session.

To be considered - SB 51

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 16, 1997. Hearing Room 1 upon morning adjournment.

To be considered - Executive Session - SB 249, Executive Session - SB 265

COMMERCE

Wednesday, April 16, 1997. Hearing Room 8 upon morning adjournment.

Executive session may follow.

To be considered - SB 165

ETHICS

Thursday, April 17, 1997. Side gallery upon adjournment.

LOCAL GOVERNMENT AND RELATED MATTERS

Wednesday, April 16, 1997, 9:00 am. Hearing Room 8. Executive session.

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 16, 1997, 9:00 am. Hearing Room 7. Executive session to follow.

AMENDED NOTICE

To be considered - HR 329, HR 345, HR 497, HCR 27, SB 459, SB 29, HB 790

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, April 17, 1997, 8:30 am. Hearing Room 7. Executive session.

TRANSPORTATION

Wednesday, April 16, 1997, 1:00 pm. Hearing Room 5. Executive session.

UTILITIES REGULATION

Thursday, April 17, 1997, 8:30 am. Hearing Room 5. Executive session,

To be considered - SB 333

**HOUSE CALENDAR**

FIFTY FOURTH DAY, WEDNESDAY, APRIL 16, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 696, with HCS, as amended, adopted - Days

2 HCS HB 451 - Wiggins

3 HB 777 - Hosmer

4 HB 215, HCA 1 & 2 - Dougherty

5 HCS HB 697 - Relford

6 HCS HB 331 - O'Toole

7 HCS HB 349 - Farmer

8 HCS HB 595 - Koller

9 HCS HB 50 - Gratz

10 HCS HB 282 - Kissell

11 HB 232, HCA 1 - Dougherty

12 HCS HB 436 & 260 - Treadway

13 HCS HB 560 - Lakin

14 HB 266 - Stoll

15 HCS HB 206 - Koller

16 HCS HB 641 & 593 - Fitzwater

17 HB 262 - Murray

18 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

19 HCS HB 669 - Stroker

20 HB 513 - Clayton

21 HB 578 - Williams (121)

22 HB 702 - McLuckie

23 HB 376 - Leake

24 HCS HB 459 - Shelton (57)

25 HB 57 - Shear

26 HB 850 - Kelly (27)

27 HCS HB 723, 789 & 372 - Dougherty

28 HB 681 - Fitzwater

29 HB 542 - Farnen

30 HCS HB 508 & 145 - Stokan

31 HB 135, HCAs 1 & 2 - Dougherty

32 HB 190 - Rizzo

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

HCS HB 396 - Hosmer

HCS HB 748 & 605 - McLuckie

HCS HB 146 - Scheve

HB 811, HCA 1, HS, as amended, pending, - Lakin

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 14, (Budget Fiscal 4-9-97) - Days

**HOUSE BILL FOR THIRD READING**

HB 301, (Budget Fiscal 4-14-97) - Lumpe

**SENATE BILLS FOR THIRD READING - CONSENT**

(April 14, 1997)

1 SB 242 - Fritts

2 SB 215 - Skaggs

3 SB 146, E.C. - Lumpe

4 SB 424 - Crump

5 SB 416 - Linton

6 SB 131 - Koller

7 SB 179, HCA 1 - Williams (159)

8 HCS SB 161, E.C. - Kelly (27)

9 HCS SB 164 - Smith

10 SB 398 - Schilling

11 HCS SB 375 - Hosmer

12 HCS SB 309 - Franklin

13 SB 310, E.C. - Bray

14 HCS SB 389 - Hagan-Harrell

15 SB 152 - Davis (122)

16 SB 246 - Riback Wilson

(April 15, 1997)

17 SB 70, E.C. - Hollingsworth

18 SB 150 - Liese

19 SB 342 - McBride

20 SB 243 - Harlan

21 SCS SB 220, HCA 1 - Smith

22 SB 197 - Smith

23 HCS SB 387, E.C. - Smith

24 SB 346 -

25 SB 133 - Hosmer

26 SB 255 - Elliott

27 SB 318 -

28 HCS SB 148 - Liese

29 HCS SB 34 -

30 SB 155, HCA 1 - Smith

31 SB 353, HCA 1, E.C. - Crawford

32 HCS SCS SB 408 - Graham (24)

33 SCS SB 402, HCA 1 - Smith

34 HCS SB 368, E.C. - Scott

35 HCS SB 320 - McBride

36 SB 262, HCA 1 - Treadway

37 SB 175 - Hoppe

38 HCS SCS SB 194 - Clayton

39 SB 112 - Hoppe

40 HCS SB 59 - Evans

41 SB 122 - Backer

42 SB 395 - Hoppe

43 HCS SB 58 - Summers

44 SB 371 - Hoppe

45 HCS SB 241 - Hoppe

46 SCS SB 373, HCA 1 - Barry

**HOUSE BILL WITH SENATE AMENDMENTS**

SCS HCS HB 356 - Skaggs

**BILLS IN CONFERENCE**

SCS HCS HB 2 - Franklin

SCS HCS HB 3, as amended, - Franklin

SCS HCS HB 4 - Green

SCS HCS HB 5, as amended, - Green

SCS HCS HB 6, as amended, - Tate

SCS HCS HB 7, as amended, - Tate

SCS HCS HB 8, as amended, - Franklin

SCS HCS HB 9, as amended, - Lakin

SCS HCS HB 10 - Carter

SCS HCS HB 11 - Lakin

SCS HCS HB 12, as amended, - Green/Franklin

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-FOURTH DAY, Wednesday, April 16, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

God of Heaven and Earth, on this day of business, help us keep the long view of our work and our world. Help us to see that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail.

On this day following our rendering to Caesar what is Caesar's, let us use wisdom, discretion and discernment as we manage, not only our own money, but the money entrusted to us by the people of Missouri.

May we give ourselves to a good day of work in which good things get done. We know that a different world cannot be built by indifferent people. Keep us from apathy and let us be alert to the potential for truth and rightdoing that lies in each hour of the day.

Most importantly, may the representatives work above party and personality, beyond time and circumstances, for the good of those they serve. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Clay Burnett, Claire Segar, Page Hinz, Allie Hicks, Julia Fine, Liana Presser, Chelsea Page, Katharine Whitener, Brooke Ambler, Andy MacNaughton, Nathan Manning, Jacob Weatherford, Meagan Edington, Allison Funke, Michael Mallett, Cassandra Dixon, Cody Newcomer, Misty Rowe, Meghan Kohnen, Alicia Martineau, Eric Hillberg and Chris Fry.

The Journal of the fifty-third day was approved as corrected.

**RESOLUTIONS**

Representative Elliott offered House Resolution No. 598, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McClelland offered House Resolution No. 599, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 301 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HJR 14 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 373, HB 105** and **HB 129**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 664** and **HS HCS HB 474**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**REFERRAL OF HOUSE BILL**

The following House Bill was referred to the Committee indicated:

**HCS HB 664** - Budget (Fiscal Note)

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Mays 50

NOES: 001

Clayton

PRESENT: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foley Foster Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 011

Farmer Ford Franklin Hand Kissell

O'Connor Patek Shear Skaggs Thompson 37

Treadway

**PERFECTION OF HOUSE BILLS**

**HCS HB 451**, relating to floodplain management, was taken up by Representative Wiggins.

Representative Wiggins offered **HS HCS HB 451**.

Representative Wiggins offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 4, Section 5, Lines 11 to 14 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"**Section 5. 1. In regard to a policy of insurance as defined in section 375.001, RSMo, issued on or after March 1, 1998, an insurer shall indicate whether such policy provides coverage for loss caused by flood. The agency shall have the sole authority to enforce this subsection. An insurer may comply with this subsection by doing any of the following:**

**(1) Indicating in the policy whether such policy provides coverage for loss caused by flood;**

**(2) In response to an original application for any such policy, providing information to the applicant regarding whether such policy provides coverage for loss caused by flood;**

**(3) At least once every three years providing information to policyholders regarding whether such policy provides coverage for loss caused by flood; or**

**(4) Indicating by any other method approved by the agency whether such policy provides coverage for loss caused by flood.**"

On motion of Representative Wiggins, House Amendment No. 1 was adopted.

Representative Thomason (163) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 4, Section 5, Line 15, by inserting after the word "shall" the following: "to the best of their ability from available resources,"

On motion of Representative Thomason (163), House Amendment No. 2 was adopted.

Representative Gratz offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 1, Section 1, Line 5, by deleting the number "**7**" and inserting in lieu thereof the number "**6**" ; and

Further amend said bill, Page 1, Section 2, Line 7, by deleting the number "**7**" and inserting in lieu thereof the number "**6**" ; and

Further amend said bill, Page 3, Section 3, Line 20, by deleting the number "**7**" and inserting in lieu thereof the number "**6**" ; and

Further amend said bill, Page 4, Section 4, by deleting all of said section; and

Further amend said bill, Page 4, Section 5, Line 11, by deleting the number "**5**" and inserting in lieu thereof the number "**4**" ; and

Further amend said bill, Page 5, Section 6, Line 14, by deleting the number "**6**" and inserting in lieu thereof the number "**5**"; and

Further amend said bill, Page 5, Section 6, Lines 18 to 22, by deleting all of said lines and inserting in lieu thereof the following: "**submit requests for variances to the agency for review.**"; and

Further amend said bill, Page 6, Section 6, Lines 1 to 11, by deleting all of said lines; and

Further amend said bill, Page 6, Section 6, Line 12, by deleting the number "**3**" and inserting in lieu thereof the

number "**2**"; and

Further amend said bill, Page 6, Section 7, Line 15, by deleting the number "**7**" and inserting in lieu thereof the number "**6**"; and

Further amend said bill, Page 7, Section 8, Line 3, by deleting the number "**8**" and inserting in lieu thereof the number "**7**".

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 147

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foster Fritts Froelker

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 016

Crump Farmer Foley Ford Franklin

Gaskill Hagan-Harrell Hand Harlan Kissell

Lograsso O'Connor Purgason Ridgeway Skaggs

Thompson 37

Representative Gratz moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Luetkenhaus offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 6, Section 7, Line 15, by inserting immediately following the word "kind" on said line the following: "**, except as described in subsection 2 of section 6,**".

Representative Luetkenhaus moved that House Amendment No. 4 be adopted.

Which motion was defeated.

Representative Green offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 2, Section 2, Line 4, by inserting immediately after the words "**real estate**" the words "**except railroad rights-of-way**"; and

Further amend said bill, Page 6, Section 6, Lines 12 to 14, by deleting all of said lines.

Representative Green moved that House Amendment No. 5 be adopted.

Which motion was defeated.

Representative Nordwald offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 6, Section 6, Line 6, by deleting all of lines 6 thru 8 and inserting in lieu thereof the following:

2. No new state development except highways, causeways and bridges shall be located within a special flood hazard area. Expansion and improvement of existing state development shall only commence when a floodplain development permit has been issued by the agency. Floodplain development

Representative Naeger offered House Amendment No. 1 to House Amendment No. 6

Representative Wiggins raised a point of order that House Amendment No. 1 to House Amendment No. 6 is in the third degree.

The Chair ruled the point of order well taken.

Representative Naeger offered House Substitute Amendment No. 1 for House Amendment No. 6.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 451, Page 6, Section 6, Line 6, by deleting all of lines 6 thru 8 and inserting in lieu thereof the following:

2. No new state development except highways, causeways and bridges shall be located within a special flood hazard area (.) with the exception of flood proof structures and waterway access facilities. Expansion and improvement of existing state development shall only commence when a floodplain development permit has been issued by the agency. Floodplain development

Representative Naeger moved that House Substitute Amendment No. 1 for House Amendment No. 6 be adopted.

Which motion was defeated.

Representative Nordwald moved that House Amendment No. 6 be adopted.

Which motion was defeated.

On motion of Representative Wiggins, **HS HCS HB 451, as amended** was adopted.

On motion of Representative Wiggins, **HS HCS HB 451, as amended,** was ordered perfected and printed.

**HB 215, with House Committee Amendment Nos. 1 and 2**, relating to caseload standards, was taken up by Representative Dougherty.

Representative Dougherty moved that House Committee Amendment No. 1 be adopted.

Which motion was defeated.

Representative Dougherty offered House Substitute Amendment No. 1 for House Committee Amendment No. 2.

*House Substitute Amendment No. 1*

*for*

*House Committee Amendment No. 2*

AMEND House Bill No. 215, Page 2, Section 2, Subsection 6, Lines 22-25, by deleting all of said lines from the bill.

On motion of Representative Dougherty, House Substitute Amendment No. 1 for House Committee Amendment No. 2 was adopted.

On motion of Representative Dougherty, **HB 215, as amended**,was ordered perfected and printed.

On motion of Representative Crump, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

**RESOLUTIONS**

Representative Chrismer offered House Resolution No. 600, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Farnen offered House Resolution Nos. 601 through 603, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ransdall offered House Resolution Nos. 604 and 605, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Schwab offered House Resolution No. 606, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution No. 607, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 150

Akin Alter Auer Ballard Barnett 4

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 013

Backer Barry 100 Chrismer Farmer Ford
Hand Harlan Kasten Skaggs Thompson 37
Wannenmacher Wiggins Williams 121

**THIRD READING OF HOUSE JOINT RESOLUTION**

**HCS HJR 14**, relating to water pollution bonds, was taken up by Representative Days.

On motion of Representative Days, **HCS HJR 14** was read the third time and passed by the following vote:

AYES: 141

Akin Alter Auer Ballard Barnett 4
Bartelsmeyer Bauer Bennett 15 Bland Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster
Franklin Fritts Froelker Gaskill Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Lakin
Lawson Leake Legan Levin Liese
Linton Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Rizzo
Robirds Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Smith Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 011

Berkstresser Cierpiot Gaston Hohulin Lograsso
McBride Murphy Richardson Ridgeway Ross
Steen

PRESENT: 000

ABSENT WITH LEAVE: 011

Backer Barry 100 Clayton Dougherty Ford
Hand Harlan Kreider Skaggs Wannenmacher
Wiggins

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILL**

**HB 301**, relating to state income tax, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 301** was read the third time and passed by the following vote:

AYES: 131

Akin Auer Ballard Barnett 4 Bartelsmeyer
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gibbons Goward Graham 106 Gratz
Green Griesheimer Gunn Hagan-Harrell Hartzler 123
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Ransdall Reinhart
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Treadway Troupe Van Zandt Vogel
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 023

Alter Berkstresser Boatright Chrismer Cierpiot

Elliott Enz Gaston Gross Hall

Hartzler 124 Hohulin Kelley 47 Legan Linton

Lograsso Loudon Murphy Nordwald Purgason

Ridgeway Scott Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Backer Barry 100 Ford Graham 24 Hand

Harlan Naeger Skaggs Wannenmacher

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HB 777**, relating to compensation for victims of terrorism, was taken up by Representative Hosmer.

Representative Graham (24) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 777, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "two" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word and number "and 595.020" and inserting in lieu thereof the following: ", 595.020, 1 and 2"; and

Further amend said bill, Page 5, Section 595.020, Line 54, by adding after all of said line the following:

"**Section 1. Upon a finding or plea of guilty to any felony with a required culpable mental state as set forth in subsection 2 or 3 of section 562.016, RSMo, the court shall, upon motion of any party or any victim, conduct a hearing, and upon the request of any party or any victim, shall empanel a new jury, before final sentencing, to determine the amount due to the victim as restitution by a preponderance of the evidence. The victim may be represented by counsel other than the prosecutor in the hearing. The court shall issue a civil judgment in that amount payable to the victim. The court may include the amount ordered to be payable to the victim for restitution as a condition of probation.**

**Section 2. No person committed to the department of corrections shall be granted parole unless restitution established pursuant to section 1 of this act, if any, is made a condition of parole.**".

On motion of Representative Graham (24), House Amendment No. 1 was adopted.

Representative Monaco offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 777, Page 5, Line 54, by adding the following after said line, one new section as follows:

**Section 1. 1. Any person serving as a member of a board or commission may indicate that such member wishes to contribute all or any part of the per diem or expense reimbursement received for such service on the board or commission to a fund to be administered by the division of youth services for the counseling, treatment and therapy of children who have been sexually, physically or emotionally abused. The office of administration shall design vouchers for the payment of the per diem or expense reimbursement to allow the person to designate if all or part of the money the person is entitled to receive is to be deposited in the "Youth Services Treatment Fund", which is hereby created in the state treasury. All per diem and expense reimbursement amounts which are contributed shall be deposited with the state treasurer in the fund. The division of youth services advisory board created in chapter 219, RSMo, shall make recommendations to the governor and the department of social services for the expenditure of the money in the fund.**

**2. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the general revenue fund.**

On motion of Representative Monaco, House Amendment No. 2 was adopted.

On motion of Representative Hosmer, **HB 777, as amended,** was ordered perfected and printed.

**HCS HB 697**, relating to criminal justice network and technology, was taken up by Representative Relford.

On motion of Representative Relford, **HCS HB 697** was adopted.

On motion of Representative Relford, **HCS HB 697** was ordered perfected and printed.

**HCS HB 331**, relating to St. Louis Police Retirement System, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HCS HB 331** was adopted.

On motion of Representative O'Toole, **HCS HB 331** was ordered perfected and printed.

**HCS HB 50**, relating to Missouri fence law, was taken up by Representative Gratz.

Representative Luetkenhaus assumed the Chair.

Representative Reynolds offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 50, Page 5, Section 272.490, Line 4, by adding after line 4 the following:

Section 1. "**The provisions of Chapter 272 shall not preempt any county or municipal ordinance in any county bordering a city not within a county.**"

Representative O'Toole offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 50, Page 5, Section 272.490, Line 4, by adding after line 4 the following:

Section 1. "**The provisions of Chapter 272 shall not preempt any county or municipal ordinance in any county bordering a city not within a county or any city not within county.**"; and

Further amend the title and enacting clause accordingly

On motion of Representative O'Toole, House Substitute Amendment No. 1 for House Amendment No. 1 was adopted.

Speaker Pro Tem Kreider resumed the Chair.

Representative Monaco offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 50, Page 5, Section 272.490, Line 4, by inserting after line 4 the following:

Section 1. "**The provisions of chapter 272 shall not preempt any county ordinance in any county containing the greater part of a city with a population in excess of 400,000.**"; and

Further amend the title and enacting clause accordingly.

Representative Monaco moved that House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Leake offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 50, Page 5, Section 272.490, Line 4, by adding after all of said line the following:

"**Section 1. The provisions of chapter 272, RSMo shall not preempt any municipal ordinance.**"; and

Further amend the title and enacting clause accordingly.

On motion of Representative Leake, House Amendment No. 3 was adopted.

On motion of Representative Gratz, **HCS HB 50, as amended,** was adopted.

On motion of Representative Gratz, **HCS HB 50, as amended,** was ordered perfected and printed.

**HB 232, with House Committee Amendment No. 1**, relating to insurance coverage for cancer screening, was taken up by Representative Dougherty.

On motion of Representative Dougherty, House Committee Amendment No. 1 was adopted.

Representative Dougherty offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 232, Page 2, Section 3, Line 16, by a new sentence to read as follows:

Nothing in this act shall apply to accident-only, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies.

On motion of Representative Dougherty, House Amendment No. 1 was adopted.

On motion of Representative Dougherty, **HB 232, as amended,** was ordered perfected and printed.

**HCS HBs 436 and 260,** relating to bail bondsmen, was placed on the Informal Calendar.

**HCS HB 560**, relating to phenylketonuria (PKU) testing, was taken up by Representative Lakin.

Representative Kelly (27) offered House Amendment No. 1.

*House Amendment No.1*

AMEND House Committee Substitute for House Bill No. 560, Page 3, Section 191.331, Line 62, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 1 was adopted.

On motion of Representative Lakin, **HCS HB 560, as amended,** was adopted.

On motion of Representative Lakin, **HCS HB 560, as amended,** was ordered perfected and printed.

**HB 266**, relating to interior designers, was taken up by Representative Stoll.

Representative O'Toole offered House Amendment No. 1.

Representative Shields raised a point of order that House Amendment No. 1 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kelly (27) offered House Amendment No. 1.

*House Amendment No.1*

AMEND House Bill No. 266, Page 8, Section 15, Line 3, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 1 was adopted.

Representative Scott offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 266, Page 8, Section 14, Line 49, by inserting immediately after said line the following:

"**15. Any individual, partnership or corporation who performs services pursuant to selling, selecting or assisting in selecting personal property or fixtures, including, but not limited to, furnishings, decorative accessories, furniture, paint, wall coverings, window treatments, floor coverings, surface mounted lighting or decorative material, or an individual, partnership or corporation, who installs or coordinates installation as part of the prospective retail sale or provides computer-aided or other drawings for the purpose of retail sales, provided such drawings are for materials lists, shall not be considered interior designers and shall not be subject to the requirements of sections 324.050 to 324.092; provided that such individual, partnership or corporation does not use the name or title, registered interior designer.**"; and

Further amend said page, Section 15, by deleting the following "Section 15" and inserting in lieu thereof the following "**Section 16**".

On motion of Representative Scott, House Amendment No. 2 was adopted.

Representative Green assumed the Chair.

Representative Lograsso offered House Amendment No. 3.

Representative Stoll raised a point of order that House Amendment No. 3 goes beyond the scope of the bill.

Representative Green requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Froelker offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 266, Page 8, Section 15, Line 2, by deleting "A misdemeanor" and inserting in lieu thereof "D felony"

Representative Froelker moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Speaker Pro Tem Kreider resumed the Chair.

Representative Levin offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Bill No. 266, Page 3, Section 4, Line 8, by inserting a period after the word "experience" and insert an open bracket before the semi colon; and

Further amend said bill, Page 4, Line 41, by inserting a closing bracket after said line

Representative Levin moved that House Amendment No. 4 be adopted.

Which motion was defeated.

Representative Stoll moved that **HB 266, as amended,** be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 065

Backer Bauer Bland Bonner Bray 84

Carter Chrismer Clayton Copeland Crump

Davis 63 Davis 122 Days DeMarce Dougherty

Farmer Farnen Fitzwater Foley Franklin

Fritts Gibbons Goward Graham 24 Gratz

Green Harlan Hartzler 124 Heckemeyer Hickey

Holand Johnson Kelly 27 Koller Kreider

Lawson Leake Liese Lumpe May 108

Mays 50 McBride McLuckie Monaco Murray
O'Connor Parker Relford Reynolds Rizzo
Scheve Seigfreid Shear Sheldon 104 Shelton 57
Stokan Stoll Stroker Thomason 163 Treadway
Van Zandt Wiggins Williams 121 Wilson Mr. Speaker

NOES: 082

Akin Alter Auer Ballard Barnett 4
Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright
Boucher Broach Burton Campbell Champion
Cierpiot Cooper Crawford Donovan Edwards-Pavia
Elliott Enz Evans Foster Froelker
Gaskill Gaston Graham 106 Gross Gunn
Hagan-Harrell Hall Hartzler 123 Hegeman Hendrickson
Hohulin Hollingsworth Howerton Kasten Kauffman
Kelley 47 Kennedy Kissell Lakin Legan
Levin Linton Lograsso Long Loudon
Luetkenhaus Marble McClelland Merideth Miller
Murphy Naeger Nordwald Ostmann Patek
Pouche Pryor Purgason Ransdall Reinhart
Richardson Ridgeway Robirds Ross Sallee
Schilling Schwab Scott Secrest Shields
Smith Steen Summers Surface Tate
Townley Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 016

Daniel 42 Daniels 41 Dolan Ford Griesheimer
Hand Hoppe Hosmer O'Toole Overschmidt
Skaggs Thompson 37 Troupe Vogel Wannenmacher
Wooten

**HCS HB 206**, relating to motor vehicle dealers and manufactures, was taken up by Representative Koller.

On motion of Representative Koller, **HCS HB 206** was adopted.

On motion of Representative Koller, **HCS HB 206** was ordered perfected and printed.

**HCS HBs 641 and 593**, relating to state aid for special education, was taken up by Representative Fitzwater.

Representative Fitzwater offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bills Nos. 641 & 593, Page 8, Section 167.126, Line 34, by inserting immediately after the word "shall" the following: "**, as soon as funds are appropriated,**".

On motion of Representative Fitzwater, House Amendment No. 1 was adopted.

Representative Kelly (27) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 641 & 593, Page 9, Section 167.126, Line 67, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 2 was adopted.

On motion of Representative Fitzwater, **HCS HBs 641 and 593, as amended,** was adopted.

On motion of Representative Fitzwater, **HCS HBs 641 and 593, as amended,** was ordered perfected and printed.

**HCS HBs 364, 33, 148, 187, 488 and 503**, relating to court proceedings, was taken up by Representative May (108).

Representative Hosmer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 364, 33, 148, 187, 488 & 503, Page 10, Line 10, by inserting after all of said line the following:

"Section B. Section 478.268, RSMo Supp. 1996, is repealed and one new section enacted in lieu thereof, to be known as section 478.268, to read as follows:

478.268. Notwithstanding the provisions of section 478.265, [on and after January 2, 1997,] in the [thirtieth] **thirty-first** judicial circuit, the circuit court en banc may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court **and who may also serve in the family court**. The commissioner shall be appointed for a term of four years. The compensation of the commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as the compensation of the associate circuit judge. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of the judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by such judge. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

Section C. Because immediate action is necessary to ensure that the citizens served by the thirty-first judicial circuit have timely access to a probate court, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 1 was adopted.

On motion of Representative May (108), **HCS HBs 364, 33, 148, 187, 488 and 503, as amended,** was adopted.

On motion of Representative May (108), **HCS HBs 364, 33, 148, 187, 488 and 503, as amended,** was ordered perfected and printed.

**HB 513**, relating to state income tax, was taken up by Representative Clayton.

Representative Clayton offered **HS HB 513**.

On motion of Representative Clayton, **HS HB 513** was adopted.

On motion of Representative Clayton, **HS HB 513** was ordered perfected and printed.

Representative Luetkenhaus resumed the Chair.

**HB 578**, relating to state income tax, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HB 578** was ordered perfected and printed.

**HB 57**, relating to child care ratios, was taken up by Representative Shear.

**HB 57** was laid over.

**REFERRAL OF HOUSE BILLS**

**The following House Bills were referred to the Committee indicated:**

**HS HCS HB 474 - Budget (Fiscal Note)**

**HS HB 373 - Budget (Fiscal Note)**

**COMMITTEE REPORT**

**Committee on Miscellaneous Bills and Resolutions, Chairman Foley reporting:**

**Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred House Resolution Nos. 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606 and 607, begs leave to report it has examined the same and recommends that they Do Pass.**

**Committee on Consumer Protection, Chairman McLuckie reporting:**

**Mr. Speaker: Your Committee on Consumer Protection, to which was referred SB 410, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Local Government and Related Matters, Chairman Hoppe reporting:**

**Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred SCS SB 104, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass by Consent.**

**Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred SCS SB 316, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass by Consent.**

**Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred SB 437, begs leave to report it has examined the same and recommends that it Do Pass by Consent.**

**Committee on Miscellaneous Bills and Resolutions, Chairman Foley reporting:**

**Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred HCR 27, begs leave to report it has examined the same and recommends that it Do Pass.**

**HOUSE CONCURRENT RESOLUTION NO. 27**

**WHEREAS, moneys appropriated by the Missouri General Assembly for the University of Missouri represent a substantial portion of the state's annual operating budget; and**

**WHEREAS, under the current budget allocation system for the University of Missouri, there are questions concerning how efficiently and how effectively these moneys are being appropriated; and**

**WHEREAS, it is the position of the General Assembly that in order to provide greater accountability and expenditure information to the taxpayers of Missouri, the University of Missouri should provide detailed budget requests for submission to the General Assembly:**

**NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, hereby call upon the President of the University of Missouri to include in his annual budget requests for each fiscal year a summary of the requests for each of the major units (campuses, extension, and system-wide administration) of the university; and**

**BE IT FURTHER RESOLVED that the General Assembly further calls upon the Board of Curators of the University of Missouri, following action by the General Assembly and the Governor on the President's request, to consider an overall operating budget for the fiscal years including all sources of income, state and non-state; and**

**BE IT FURTHER RESOLVED that the General Assembly further requests that any operating budget presented to and acted upon by the Board of Curators include a clear indication of relationship to the previously submitted budget request and to the appropriation; and**

**BE IT FURTHER RESOLVED that the General Assembly calls upon the Board of Curators to supply to the Governor's office and to the leadership of the General Assembly the adopted operating budget along with the additional information pertaining to the previously submitted budget request and appropriation, as part of the University's**

**accountability to the people of Missouri; and**

**BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President and the Board of Curators of the University of Missouri.**

**Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred HR 329, begs leave to report it has examined the same and recommends that it Do Pass.**

**House Resolution No. 329**

**Whereas, each year, 4-H Club delegates come to our State Capitol to attend the 4-H Missouri Citizenship Workshop; and**

**Whereas, the Missouri Citizenship Workshop is sponsored by University Extension 4-H Youth Development Programs in order to provide an educational experience in state government for students who have completed the eighth grade or above; and**

**Whereas, this annual event gives participants a new insight into our democratic process through a mock legislative forum that is conducted under the supervision of the Extension staff and state legislators; and**

**Whereas, the General Assembly has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects:**

**Now, therefore, be it resolved that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant this year's 4-H delegates attending the Missouri 4-H Citizenship Workshop permission to use the House committee hearing rooms from 8:30 a.m. to 4:00 p.m. each day from June 30 to July 2, 1997, and further grant them permission to use the House Chamber for the purpose of conducting their mock legislative session from 9:00 a.m. to 11:30 a.m. on July 2, 1997.**

**Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred HR 345, begs leave to report it has examined the same and recommends that it Do Pass.**

**House Resolution No. 345**

**Whereas, the Missouri House of Representatives recognizes the importance of empowering citizens to actively participate in the democratic process; and**

**Whereas, the House has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and**

**Whereas, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:**

**Now, therefore, be it resolved that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the Missouri Catholic Conference permission to use the House Chamber and the House hearing rooms from 9:00 a.m. to 5:00 p.m. on October 18, 1997, for the purposes of a citizenship assembly and workshop.**

**Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred HR 497, begs leave to report it has examined the same and recommends that it Do Pass.**

**House Resolution No. 497**

**Whereas, the Missouri Silver-Haired Legislature plays a significant role in ensuring the proper and effective function of Missouri state government as a fully representative body for the state's senior citizens; and**

**Whereas, the annual gathering of the Silver-Haired Legislature provides a useful format for the discussion and resolution of many key issues affecting the welfare of senior citizens and all Missourians; and**

**Whereas, the members of the Missouri House of Representatives deem it both proper and necessary to support the important work of the Silver-Haired Legislature:**

**Now, therefore, be it resolved that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, hereby grant the organizers and participants of the 1997 session of the Missouri Silver-Haired Legislature permission to use the House Chamber for the purpose of conducting their annual session on October 30, 1997, from 9:00 a.m. to 4:30 p.m., and on October 31, 1997, from 9:00 a.m. to 1:00 p.m., and further grant them permission to use House Hearing Rooms 1-5 in the Capitol basement on these dates for the purpose of conducting their luncheons.**

SUPPLEMENTAL CALENDAR

**(April 16, 1997)**

SENATE BILLS FOR THIRD READING - CONSENT

**SB 69, HCA 1 - Ransdall**

**SB 410 - Wiggins**

**HCS SCS SB 316 - Hoppe**

**HB 437 - Hoppe**

**HCS SCS SB 104 - Legan**

MESSAGES FROM THE SENATE

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 123.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 150.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 244.**

ADJOURNMENT

**On motion of Representative Backer, the House adjourned until 10:00 a. m., Thursday, April 17, 1997.**

CORRECTIONS

**Correct House Journal, Fifty-third Day, Tuesday, April 15, 1997, Page 1103, Line 25, by deleting the name "Kelly (27)" and inserting in lieu thereof the name "Kelley (47)".**

**Pages 1077 and 1078, roll call, by showing Representative Akin voting "aye" rather than "absent with leave".**

**Pages 1078 and 1079, roll call, by showing Representative Ross voting "aye" rather than "absent with leave".**

**Page 1084, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".**

**Page 1084, roll call, by showing Representative Froelker voting "present" rather than "absent with leave".**

**Pages 1087, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".**

**Pages 1089 and 1090, roll call, by showing Representatives Lakin and Edwards-Pavia voting "no" rather than "absent with leave".**

**Page 1104, roll call, by showing Representatives Bartelsmeyer, Bonner, Champion, DeMarce, Fritts, Robirds and Scheve voting "aye" rather than "absent with leave".**

**Page 1115, roll call, by showing Representative Lakin voting "aye" rather than "absent with leave".**

**Pages 1120 and 1121, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".**

**Page 1122, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".**

**Pages 1124 and 1125, roll call, by showing Representative Stokan voting "no" rather than "absent with leave".**

**Pages 1124 and 1125, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".**

**Page 1125, roll call, by showing Representative Stokan voting "aye" rather than "absent with leave".**

**Page 1125, roll call, by showing Representative Surface voting "no" rather than "absent with leave".**

## COMMITTEE MEETINGS

### BANKS AND FINANCIAL INSTITUTIONS

**Wednesday, April 23, 1997, 1:30 pm. Hearing Room 9. Executive session.**

**To be considered - SB 6**

### BUDGET

**Thursday, April 17, 1997, 8:30 am. Hearing Room 9. Possible executive session.**

**To be considered - SB 176, HB 474**

### CORRECTIONAL & STATE INSTITUTIONS

**Thursday, April 17, 1997, 9:00 am. Side gallery. Executive session.**

### CRIMINAL LAW

**Tuesday, April 22, 1997. Hearing Room 9 upon evening adjournment.**

**Executive session will follow.**

**To be considered - HB 841, SB 251**

### ELECTIONS

**Thursday, April 17, 1997, 9:45 am. Side gallery. Executive session.**

**To be considered - SB 16**

### ETHICS

**Thursday, April 17, 1997. Side gallery upon adjournment.**

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, April 17, 1997, 8:30 am. Hearing Room 7. Executive session. CANCELLED

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 22, 1997, 5:30 pm. Hearing Room 5. Possible executive session.

AMENDED NOTICE

To be considered - SB 202

UTILITIES REGULATION

Thursday, April 17, 1997, 8:00 am. Hearing Room 5. Executive session to follow.

AMENDED NOTICE

To be considered - SB 263, SCR 7

HOUSE CALENDAR

FIFTY-FIFTH DAY, THURSDAY, APRIL 17, 1997

HOUSE BILLS FOR PERFECTION

1 HCS HB 696, with HCS, as amended, adopted - Days

2 HCS HB 349 - Farmer

3 HCS HB 595 - Koller

4 HCS HB 282 - Kissell

5 HB 262 - Murray

6 HCS HB 669 - Stroker

7 HB 702 - McLuckie

8 HB 376 - Leake

9 HCS HB 459 - Shelton (57)

10 HB 57 - Shear

11 HB 850 - Kelly (27)

12 HCS HB 723, 789 & 372 - Dougherty

13 HB 681 - Fitzwater

14 HB 542 - Farnen

15 HCS HB 508 & 145 - Stokan

16 HB 135, HCAs 1 & 2 - Dougherty

17 HB 190 - Rizzo

HOUSE BILLS FOR PERFECTION - INFORMAL

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HB 811, HCA 1, HS, as amended, pending, - Lakin

9 HCS HB 436 & 260 - Treadway

HOUSE BILLS FOR THIRD READING

HS HB 373, (Budget Fiscal 4-16-97) - Kreider

HB 105 - Copeland

HB 129 - Shear

HCS HB 664, (Budget Fiscal 4-16-97) - Ross

HS HCS HB 474, (Budget Fiscal 4-16-97) - Smith

SENATE BILLS FOR THIRD READING - CONSENT

(April 14, 1997)

1 SB 242 - Fritts

2 SB 215 - Skaggs

3 SB 146, E.C. - Lumpe

4 SB 424 - Johnson

5 SB 416 - Linton

6 SB 131 - Hollingsworth

7 SB 179, HCA 1 - Williams (159)

8 HCS SB 161, E.C. - Kelly (27)

9 HCS SB 164 - Smith

10 SB 398 - Schilling

11 HCS SB 375 - Hosmer

12 HCS SB 309 - Franklin

13 SB 310, E.C. - Bray

14 HCS SB 389 - Hagan-Harrell

15 SB 152 - Davis (122)

16 SB 246 - Riback Wilson

(April 15, 1997)

17 SB 70, E.C. - Hollingsworth

18 SB 150 - Liese

19 SB 342 - McBride

20 SB 243 - Harlan

21 SCS SB 220, HCA 1 - Smith

22 SB 197 - Smith

23 HCS SB 387, E.C. - Smith

24 SB 346 -

25 SB 133 - Hosmer

26 SB 255 - Elliott

27 SB 318 -

28 HCS SB 148 - Liese

29 HCS SB 34 -

30 SB 155, HCA 1 - Smith

31 SB 353, HCA 1, E.C. - Crawford

32 HCS SCS SB 408 - Graham(24)

33 SCS SB 402, HCA 1 - Smith

34 HCS SB 368, E.C. - Scott

35 HCS SB 320 - McBride

36 SB 262, HCA 1 - Treadway

37 SB 175 - Hoppe

38 HCS SCS SB 194 - Clayton

39 SB 112 - Hoppe

40 HCS SB 59 - Evans

41 SB 122 - Backer

42 SB 395 - Hoppe

43 HCS SB 58 - Summers

44 SB 371 - Hoppe

45 HCS SB 241 - Hoppe

46 SCS SB 373, HCA 1 - Barry

(April 16, 1997)

47 SB 69, HCA 1 - Ransdall

48 SB 410 - Wiggins

49 HCS SCS SB 316 - Hoppe

50 SB 437 - Hoppe

51 HCS SCS SB 104 - Legan

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 356 - Skaggs

BILLS IN CONFERENCE

1 SCS HCS HB 2 - Franklin

2 SCS HCS HB 3, as amended, - Franklin

3 SCS HCS HB 4 - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Tate

6 SCS HCS HB 7, as amended, - Tate

7 SCS HCS HB 8, as amended, - Franklin

8 SCS HCS HB 9, as amended, - Lakin

9 SCS HCS HB 10 - Carter

10 SCS HCS HB 11 - Lakin

11 SCS HCS HB 12, as amended, - Green/Franklin

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

COURTESY RESOLUTIONS

HR 555 - Crawford

HR 556 - DeMarce

HR 557 - Tate

HR 558 - Green

HR 559 - Richardson

HR 560 - Hartzler (124)

HR 561 - Williams (159)

HR 562, and 563 - Foley

HR 564 - Riback Wilson

HR 565, and 566 - Ross

HR 567, and 568 - Sallee

HR 569 - Parker

HR 570 - Shear

HR 572 - Backer

HR 573 - Bartelsmeyer

HR 574, and 575 - Campbell

HR 576 - Lakin

HR 577 - Backer

HR 578 - Kelly (27)

HR 579 - Ross

HR 580 - Gunn

HR 581, through 594 - Enz

HR 595 - Hagan-Harrell

HR 596 - Scott

HR 597 - Wooten

HR 598 - Elliott

HR 599 - McClelland

HR 600 - Chrismer

HR 601, through 603 - Farnen

HR 604, and 605 - Ransdall

HR 606 - Schwab

HR 607 - Levin

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

FIFTY-FIFTH DAY, Thursday, April 17, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Steve Altheide.

Dear Almighty Lord God & Gracious Heavenly Father,

I am thankful for this beautiful morning that you have given each of us and for the gift of another day. I am thankful for the opportunity to be here in this place today and I am grateful for the lives of each one of these representatives here. I ask that You guide each one of us today and that You help us to be alert to Your presence all around us. Your Word tells us that all wisdom comes from You and that if we but ask, You will grant us the wisdom necessary every day that we need to make wise decisions in every area of life, and so I ask that You grant each one here the wisdom that we need. These men and women before me have such awesome responsibilities. Help them to be sensitive to that and to Your offer of guidance for every decision. Your Word tells us that You raise up people for positions of leadership and that even those in government do Your bidding and hold their positions with Your permission. Your Word also tells us to pray for all who are in authority, and so I do that just now, asking You to assist each one here with the work that is before them.

Father, I want to acknowledge, with the Apostle Paul, that You are the God who made the world and everything in it...and that from one man You made every nation of men, that they should inhabit the earth and You determined the times set for them and the exact places where they should live. You did this so that men would seek You and reach out for You and find You, and You are not far from each one of us. For in You we live and move and have our being. Therefore since we are Your offspring, help us to understand Your nature and appropriately worship and serve You. For You have promised that You have set a day when You will judge the world with justice by the Man You have appointed, and You will judge the world with justice by the Man You have appointed, and You gave us proof of this by raising Him from the dead!

And today, it's in His name that I pray for Your blessing and guidance. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brandt Stewart, Jennifer Hovis, Jonathan Shirshecan, Jamaal Jackson, Katie Kennedy, Dustin Douglass, Christina Nelms, Kent Stiles, Chris Braun, Angela Loduca, Jessica Craig, Katy Pocock, Dorothy Champion, Tanner Garber, Colin Kohler, Amanda Blake, Toby Oliver, Jessica Stamper, Mitchell Rieck, Amanda Gonterman, B.J. Wagoner, Catherine Cunningham, Daryl Kelley, Ashley Branch, Parker Anderson, Kathleen Larsen, Shawn Horskins, Katie

Parres, Chris Holmes, Keegan Kranz, Rachel Raetzloff, Michelle Martin, Miranda Nelp, Greg Wann, Carey Whitney, Robin Koffarnus, Danielle Lowe, Claire Navarro, Clayton Reeves, Joe Moellering, Nathan Janeczek, Tammy Ritterskamp, Jennifer Suzanne Tallaksen, Sarah Marie Tallaksen, Jessica Adams, Jimmy Rodriquez, Alex Austin and David Fredrickson.

The Journal of the fifty-fourth day was approved as corrected.

**RESOLUTIONS**

Representative Stoll offered House Resolution No. 608, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 609, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 610, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hand offered House Resolution No. 611, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Vogel, et al, offered House Resolution No. 612, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foley offered House Resolution No. 613, which was referred to the

Committee On Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 614, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scott offered House Resolution No. 615, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution Nos. 616 through 618, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 619, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Dougherty offered House Resolution No. 620, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murray offered House Resolution No. 621.

Representative Enz offered House Resolution No. 622, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Rizzo offered House Resolution Nos. 623 and 624, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Treadway offered House Resolution No. 625, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Loudon offered House Resolution No. 626, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Davis (63) offered House Resolution No. 627, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COURTESY RESOLUTIONS**

House Resolution Nos. 555 through 570 and 572 through 607 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 555 through 570 and 572 through 607 were adopted.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 123, HB 150** and **HB 244**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**PERFECTION OF HOUSE BILLS**

**HCS HB 696**, **with House Committee Substitute, as amended, adopted, pending**, relating to elections, was again taken up by Representative Days.

On motion of Representative Days, **HCS HB 696, as amended,** was ordered perfected and printed.

**HCS HB 282**, relating to peace officers, was taken up by Representative Kissell.

Representative Kissell offered **HS HCS HB 282**.

Representative Alter offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 6, Section 590.500, Line 13, by deleting the word "**ten**" and inserting in lieu thereof the word "**seven working**"; and

Further amend said bill, Page 6, Section 590.500, Line 18, by deleting the words "**governing body**" and inserting in lieu thereof the following: "**published and distributed ordinance, administrative rule or regulation or written and distributed departmental policies and procedures**".

On motion of Representative Alter, House Amendment No. 1 was adopted.

Representative Relford offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 2, Sections 57.220, 57.250 and 57.251, by deleting said sections from the bill;

Further amend said bill, Page 7, Section 590.500, Line 10, by inserting after the word "**state**" the following:

"**, by a county of the second or third class, or by any municipality with a population of less than 75,000 inhabitants,**".

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Kissell raised a point of order that House Amendment No. 2 is not a true amendment.

The Chair ruled the point of order not well taken.

On motion of Representative Relford, House Amendment No. 2 was adopted by the following vote:

AYES: 095

Akin Ballard Barnett 4 Bartelsmeyer Berkstresser
Boatright Broach Carter Champion Chrismer
Cooper Copeland Crawford Daniels 41 Davis 122
Days DeMarce Dolan Donovan Enz
Evans Fitzwater Foster Fritts Gaskill
Gaston Gibbons Goward Graham 106 Gratz
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hohulin Holand
Hoppe Howerton Johnson Kasten Kauffman
Kelley 47 Koller Leake Legan Levin
Lograsso Long Loudon Luetkenhaus Marble
McBride McClelland Merideth Miller Naeger
Nordwald Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schwab Scott
Secrest Seigfreid Shields Smith Steen
Stoll Summers Tate Thomason 163 Townley
Troupe Vogel Wiggins Williams 121 Williams 159

NOES: 062

Alter Auer Backer Barry 100 Bauer
Bennett 15 Bland Bonner Boucher Bray 84
Burton Campbell Cierpiot Clayton Crump
Daniel 42 Davis 63 Dougherty Edwards-Pavia Elliott
Farmer Farnen Foley Franklin Froelker
Graham 24 Green Gunn Hagan-Harrell Harlan
Hickey Hollingsworth Hosmer Kelly 27 Kennedy
Kissell Kreider Lakin Lawson Liese
Linton Lumpe May 108 Mays 50 McLuckie
Monaco Murphy Murray O'Connor O'Toole
Reynolds Schilling Shear Sheldon 104 Shelton 57
Stokan Stroker Surface Treadway Van Zandt
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Ford Hand Skaggs Thompson 37 Wannenmacher

Wooten

**HCS HB 282, with HS, as amended, pending**, was placed on the Informal Calendar.

**HCS HB 349**, relating to outdoor advertising, was taken up by Representative Farmer.

Representative McClelland offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 349, Page 4, Section 226.540, Lines 102-103 of said page, by deleting the words "**may prohibit outdoor advertising or**".

On motion of Representative McClelland, House Amendment No. 1 was adopted.

Representative Koller offered **HS HCS HB 349**.

On motion of Representative Koller, **HS HCS HB 349** was adopted by the following vote:

AYES: 094

Alter Ballard Barnett 4 Barry 100 Bartelsmeyer
Berkstresser Boatright Bonner Broach Burton
Campbell Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniels 41
Davis 122 DeMarce Elliott Evans Farnen
Foley Gaskill Gaston Graham 106 Gratz
Green Gross Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelly 27 Kissell Koller Kreider
Lawson Leake Legan Lograsso Long
Marble Mays 50 Merideth Miller Monaco
Murray Naeger Nordwald Overschmidt Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Schwab Scott Sheldon 104
Shields Smith Steen Stoll Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Vogel Wiggins Williams 159

NOES: 058

Akin Auer Backer Bauer Bennett 15
Boucher Bray 84 Carter Daniel 42 Davis 63

Days Dolan Donovan Dougherty Edwards-Pavia

Enz Farmer Foster Fritts Froelker

Gibbons Graham 24 Griesheimer Hagan-Harrell Hall

Harlan Kauffman Kelley 47 Kennedy Lakin

Levin Liese Linton Loudon Luetkenhaus

Lumpe May 108 McBride McClelland McLuckie

Murphy O'Connor O'Toole Ostmann Parker

Reynolds Scheve Schilling Secrest Seigfreid

Shear Shelton 57 Stokan Stroker Van Zandt

Williams 121 Wilson Mr. Speaker

PRESENT: 001

Goward

ABSENT WITH LEAVE: 010

Bland Fitzwater Ford Franklin Gunn

Hand Skaggs Thompson 37 Wannenmacher Wooten

**HCS HB 349, as amended, with HS adopted, pending,** was placed on the Informal Calendar.

**SIGNING OF HOUSE BILLS**

All other business of the House was suspended while **HB 244, HB 150 and HB 123** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 244, HB 150 and HB 123** were delivered to the Governor by the Chief Clerk of the House.

**THIRD READING OF HOUSE BILLS**

**HB 105**, relating to school district operating levy, was taken up by Representative Copeland.

On motion of Representative Copeland, **HB 105** was read the third time and passed by the following vote:

AYES: 115

Auer Backer Ballard Barry 100 Bartelsmeyer

Bauer Bennett 15 Bland Boucher Bray 84

Broach Burton Campbell Carter Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Donovan

Dougherty Elliott Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Hagan-Harrell Harlan Hartzler 123
Heckemeyer Hegeman Hickey Holand Hollingsworth
Hoppe Hosmer Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murray Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Ransdall
Reinhart Relford Reynolds Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Shelton 57
Smith Steen Stokan Stoll Stroker
Surface Tate Thomason 163 Treadway Van Zandt
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 037

Akin Alter Barnett 4 Berkstresser Boatright
Bonner Champion Chrismer Cierpiot Dolan
Edwards-Pavia Enz Evans Gaskill Gaston
Gross Hall Hartzler 124 Hendrickson Hohulin
Howerton Kelley 47 Levin Linton Lograsso
Loudon Naeger Patek Pouche Pryor
Purgason Richardson Ridgeway Sheldon 104 Shields
Summers Townley

PRESENT: 000

ABSENT WITH LEAVE: 011

Crawford Ford Gunn Hand Murphy
Skaggs Thompson 37 Troupe Vogel Wannenmacher
Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Crump moved that motion lay on the table.

The latter motion prevailed.

**HB 129**, relating to post-mastectomy coverage, was taken up by Representative Shear.

On motion of Representative Shear, **HB 129** was read the third time and passed by the following vote:

AYES: 135

Alter Backer Ballard Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 DeMarce
Dolan Donovan Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Hagan-Harrell Harlan
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Shelton 57 Shields
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Treadway Van Zandt
Vogel Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 012

Akin Gaston Hall Hartzler 123 Hohulin
Linton Loudon Patek Pryor Robirds
Steen Townley

PRESENT: 001

Auer

ABSENT WITH LEAVE: 015

Crawford Days Dougherty Ford Gunn

Hand Koller McLuckie Sheldon 104 Skaggs

Thompson 37 Troupe Wannenmacher Wiggins Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HCS HB 669**, relating to law enforcement, was taken up by Representative Stroker.

Representative Stroker offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 669, Page 9, Section 544.159, Lines 18 through 20, by deleting said lines, and by renumbering the next subsection accordingly.

On motion of Representative Stroker, House Amendment No. 1 was adopted.

Representative Scheve assumed the Chair.

Representative Seigfreid offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 669, Page 8, Section 544.159, Lines 9 through 11, by deleting said lines and by renumbering the remaining paragraphs accordingly.

Representative Hosmer offered House Substitute Amendment No. 1 for House Amendment No. 2.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 669, Page 8, Section 544.159, Lines 9 through 11, by deleting said lines and by inserting in lieu thereof the following:

"**(1) The federal law enforcement officer witnesses a suspect asserting physical force or using forcible compulsion for the purpose of causing or creating a substantial risk of death or serious physical injury to any person;**"

On motion of Representative Hosmer, House Substitute Amendment No. 1 for House Amendment No. 2 was adopted.

On motion of Representative Stroker, **HCS HB 669, as amended,** was adopted.

On motion of Representative Stroker, **HCS HB 669, as amended,** was ordered perfected and printed.

**HB 702**, relating to fees on electronic transfers, was taken up by Representative McLuckie.

Representative Green offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 702, Page 1, Section 1, Line 7, by inserting immediately after Line 7 the following:

"Section 2. Notwithstanding any other provisions of law to the contrary, each financial institution organized under the provision of Section 370.010 shall be composed of one or more groups of persons. The members of each such individual group must share a common occupation, association, employer or interest, or live or work in a well-defined neighborhood, community or rural district."

Representative Hohulin raised a point of order that House Amendment No. 1 is not germane to the bill.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Green, House Amendment No. 1 was adopted by the following vote:

AYES: 083

Auer Barry 100 Bauer Bennett 15 Bland

Bonner Boucher Bray 84 Broach Carter

Chrismer Cierpiot Copeland Crump Daniel 42

Daniels 41 Davis 63 Days DeMarce Donovan

Dougherty Edwards-Pavia Enz Farmer Farnen

Fitzwater Foley Foster Franklin Froelker

Goward Graham 24 Green Hagan-Harrell Heckemeyer

Hendrickson Hickey Hollingsworth Hosmer Johnson

Kauffman Kelly 27 Kennedy Kissell Kreider

Lakin Lawson Leake Liese Luetkenhaus

May 108 Mays 50 McClelland McLuckie Monaco

Murphy Murray O'Connor O'Toole Pouche

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Ross Scheve Schilling Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Smith

Stokan Stoll Stroker Treadway Van Zandt

Williams 159 Wilson Mr. Speaker

NOES: 062

Akin Alter Backer Ballard Barnett 4

Bartelsmeyer Berkstresser Boatright Burton Campbell

Champion Clayton Cooper Crawford Davis 122

Dolan Elliott Evans Fritts Gaskill

Gaston Gibbons Graham 106 Gratz Griesheimer

Gross Hall Hartzler 123 Hartzler 124 Hegeman

Hohulin Holand Howerton Kasten Kelley 47

Legan Levin Linton Loudon Marble

McBride Merideth Miller Nordwald Ostmann

Overschmidt Parker Patek Pryor Purgason

Ransdall Robirds Sallee Schwab Scott

Shields Steen Summers Surface Thomason 163

Townley Vogel

PRESENT: 002

Hoppe Williams 121

ABSENT WITH LEAVE: 016

Ford Gunn Hand Harlan Koller

Lograsso Long Lumpe Naeger Skaggs

Tate Thompson 37 Troupe Wannenmacher Wiggins

Wooten

Representative McLuckie offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 702, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"To amend chapter 408, RSMo, relating to financial institutions by adding thereto one new section relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by deleting the word and figure "**Section 1.**" and inserting in lieu thereof the following:

"Section A. Chapter 408, RSMo, is amended by adding thereto one new section, to be known as section

408.399, to read as follows:

**408.399.**".

On motion of Representative McLuckie, House Amendment No. 2 was adopted.

Representative Gross offered House Amendment No. 3.

Representative McLuckie raised a point of order that House Amendment No. 3 is not germane to the bill.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Gibbons offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 702, Page 1, Section 1, Lines 4-7, by deleting all of said lines and inserting in lieu thereof the following:

"the terminal does not notify the person initiating such transfer of all charges, surcharges and fees prior to the transfer."

On motion of Representative Gibbons, House Amendment No. 3 was adopted.

Speaker Gaw resumed the Chair.

Representative McLuckie moved that **HB 702, as amended,** be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 060

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Broach Campbell

Carter Cierpiot Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Donovan Dougherty

Farmer Farnen Foley Franklin Gibbons

Graham 24 Green Hagan-Harrell Harlan Hendrickson

Hickey Hollingsworth Hosmer Johnson Kelly 27

Kennedy Kissell Lawson Liese Luetkenhaus

Lumpe May 108 McLuckie Monaco Murray

O'Connor O'Toole Pouche Ransdall Reynolds

Rizzo Scheve Schilling Shelton 57 Stoll

Stroker Treadway Van Zandt Wilson Mr. Speaker

NOES: 086

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Champion

Clayton Cooper Copeland Crawford Dolan

Edwards-Pavia Elliott Enz Evans Fitzwater

Foster Fritts Froelker Gaskill Gaston

Goward Graham 106 Griesheimer Gross Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hohulin Holand

Howerton Kasten Kauffman Kelley 47 Koller

Kreider Lakin Leake Legan Levin

Linton Lograsso Long Loudon Marble

Mays 50 McBride McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Overschmidt

Parker Patek Pryor Purgason Reinhart

Relford Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shields Smith Steen

Summers Surface Townley Vogel Wiggins

Williams 159

PRESENT: 003

Gratz Hoppe Williams 121

ABSENT WITH LEAVE: 014

Chrismer Daniels 41 Ford Gunn Hall

Hand Skaggs Stokan Tate Thomason 163

Thompson 37 Troupe Wannenmacher Wooten

**HB 376**, relating to Joint Municipal Utility Commissions, was taken up by Representative Leake.

On motion of Representative Leake, **HB 376** was ordered perfected and printed.

**HCS HB 459**, relating to motor vehicles, was taken up by Representative Shelton (57).

Representative Legan offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 459, Page 2, Section 136.055, Line 25, by inserting after all of said line the following:

"**4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:**

**The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents".**

Representative Kreider raised a point of order that House Amendment No. 1 is frivolous.

The Chair ruled the point of order not well taken.

On motion of Representative Legan, House Amendment No. 1 was adopted by the following vote:

AYES: 132

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Cierpiot

Cooper Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Foster Franklin

Fritts Froelker Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland Merideth

Miller Monaco Murphy Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Reinhart

Reynolds Richardson Ridgeway Rizzo Ross

Sallee Schilling Schwab Scott Secrest

Sheldon 104 Shelton 57 Shields Steen Stokan

Stoll Summers Surface Thomason 163 Townley

Treadway Van Zandt Vogel Wiggins Williams 159

Wilson Mr. Speaker

NOES: 016

Barry 100 Bland Clayton Fitzwater Foley

Lakin McLuckie Murray Ransdall Relford

Scheve Seigfreid Smith Stroker Tate

Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 015

Chrismer Copeland Ford Gaskill Gunn

Hall Hand Harlan Robirds Shear

Skaggs Thompson 37 Troupe Wannenmacher Wooten

Representative Reynolds offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 459, Page 2, Section 136.055, Line 15, by deleting the words "and seventy-five cents"

On motion of Representative Reynolds, House Amendment No. 2 was adopted.

Representative Purgason offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 459, Page 3, Section 301.038, Line 39, by adding the following:

The increased fees mentioned herein shall not take effect until such tax relief as mandated by the Hancock amendment is enacted.

Representative Shelton (57) raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Purgason moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Dolan Donovan Edwards-Pavia Elliott

Enz Evans Foster Froelker Gaston

Gibbons Graham 106 Griesheimer Gross Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kauffman Kelley 47 Kissell

Levin Linton Lograsso Long Loudon

Luetkenhaus Marble McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secrest Shields Steen Summers

Surface Townley Vogel

NOES: 077

Auer Backer Barry 100 Bauer Bland

Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Davis 63 Davis 122 Days

DeMarce Dougherty Farmer Farnen Fitzwater

Foley Franklin Fritts Goward Graham 24

Gratz Green Hagan-Harrell Heckemeyer Hickey

Hollingsworth Hoppe Hosmer Johnson Kelly 27

Kennedy Koller Kreider Lakin Lawson

Leake Legan Liese Lumpe May 108

Mays 50 McBride McLuckie Monaco Murray

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Smith

Stokan Stoll Stroker Tate Thomason 163

Treadway Van Zandt Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Daniel 42 Daniels 41 Ford Gaskill Gunn

Hall Hand Harlan Skaggs Thompson 37

Troupe Wannenmacher Wooten

Representative Scott offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 459, Section 136.055, Page 3, Line 39, by inserting after line 39, the following: "The Missouri highway reciprocity commission and any branch office or full-time or temporary office of the department of revenue established pursuant to section 32.040, RSMo, shall collect the additional fees prescribed in subsection 1 of this section, except that such fees shall be deposited in the state

treasury to the credit of the state road fund pursuant to section 30 (b) of article IV rather than retained by the office collecting such fees."

Representative Scott moved that House Amendment No. 4 be adopted.

Which motion was defeated by the following vote:

AYES: 041

Backer Ballard Barnett 4 Bartelsmeyer Bennett 15
Berkstresser Champion Clayton Donovan Edwards-Pavia
Farnen Fritts Gaskill Graham 106 Howerton
Johnson Kasten Leake Legan Linton
Long Marble Miller Murphy Naeger
Relford Robirds Sallee Schwab Scott
Shear Sheldon 104 Smith Steen Summers
Tate Thomason 163 Townley Treadway Vogel
Williams 159

NOES: 100

Akin Alter Auer Barry 100 Bauer
Bland Boatright Bonner Boucher Bray 84
Broach Campbell Carter Chrismer Cierpiot
Cooper Copeland Crawford Crump Daniel 42
Davis 63 Davis 122 Days DeMarce Dolan
Dougherty Enz Farmer Fitzwater Foley
Foster Franklin Froelker Gaston Gibbons
Graham 24 Gratz Green Griesheimer Gross
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hohulin Hollingsworth Hoppe Hosmer Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Levin Liese Lograsso
Loudon Luetkenhaus Lumpe May 108 Mays 50
McBride McClelland McLuckie Merideth Monaco
Murray Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Purgason
Ransdall Reinhart Reynolds Richardson Ridgeway
Rizzo Ross Scheve Schilling Secrest
Shelton 57 Shields Stokan Stoll Stroker
Van Zandt Wiggins Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 022

Burton Daniels 41 Elliott Evans Ford

Goward Gunn Hagan-Harrell Hall Hand

Harlan Hickey Holand Kelley 47 Pryor

Seigfreid Skaggs Surface Thompson 37 Troupe

Wannenmacher Wooten

Representative Levin offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 459, Page 2, Section 136.055, Line 25, by inserting after said line the following:

"5. All fee offices shall offer a telephone system which will give the caller the option to talk to an actual person"

Representative Shelton (57) raised a point of order that House Amendment No. 5 is not germane to the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 5 was withdrawn.

Representative Levin offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 459, Page 2, Section 136.055, Line 25, by inserting after said line the following:

"5. All fee offices shall offer the option to talk to an actual person when a person calls on the telephone during business hours"

Representative Levin moved that House Amendment No. 5 be adopted.

Which motion was defeated.

Representative Murphy offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 459, Page 1, Section 136.055, Line 1, by deleting lines one through six and substituting therein:

136.055. "**1. Beginning January 1, 1998, the director of the department of revenue shall seek competitive bids before selecting or appointing any person to act as a fee agent of the department of revenue. The terms of the contract between the department of revenue and the person selected or appointed to act as a fee agent shall be for a period of five years; provided that, an annual renewal during such five-year period shall be contingent on satisfactory service and cash handling during the preceding year. All bids shall be advertised to the public in the same manner as required for other state contracts which are awarded pursuant to competitive bidding. If there are no bidders for any fee office within the required bidding period, a person may be selected or**

**appointed without further advertising or bidding and subject to the same contract terms as provided for contracts awarded pursuant to competitive bidding.**".

Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

Representative Murphy moved that House Amendment No. 6 be adopted.

Which motion was defeated.

On motion of Representative Shelton (57), **HCS HB 459, as amended,** was adopted.

On motion of Representative Shelton (57), **HCS HB 459, as amended,** was ordered perfected and printed.

**LETTER OF OBJECTION**

April 17, 1997

Anne Walker, Chief Clerk

Missouri House of Representatives

Capitol Building

Jefferson City, MO 65101

Dear Anne:

Pursuant to Rule 65-C, the following members object to HCS SB 161 being placed on the consent calendar

/s/ Glenda Kelly (27)

/s/ Phil Smith (11)

/s/ Robert M. Clayton III (10)

/s/ Don Lograsso (54)

/s/ Chuck Gross (18)

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**SCS SB 161** - Rules, Joint Rules, and Bills Perfected and Printed

**HCS HB 697** - Budget (Fiscal Note)

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SJR 14**, entitled:

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri by adding thereto one new section relating to powers of the legislature concerning rulemaking and the right of citizens to petition for redress of grievances for bureaucratic abuse of rulemaking function.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 20**, entitled:

An act to repeal section 476.083, RSMo Supp. 1996, relating to circuit court marshals, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 21**, entitled:

An act to repeal section 67.1300, RSMo Supp. 1996, relating to a local sales tax for certain counties, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 49, 213, 130, 32, 235 & 221**, entitled:

An act to repeal sections 70.820, 252.085 and 575.010, RSMo 1994, and sections 571.030 and 590.105, RSMo Supp. 1996, relating to criminal procedure, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 79**, entitled:

An act to amend chapter 265, RSMo, relating to agriculture products, by adding eleven new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 173**, entitled:

An act to amend chapter 537, RSMo, by adding one new section relating to claims against certain licensed professionals.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 275**, entitled:

An act to repeal sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, relating to abortions, and to enact in lieu thereof five new sections relating to the same subject, with a penalty provision.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 298**, entitled:

An act to repeal sections 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to certain police retirement systems, and to enact in lieu thereof sixteen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 345**, entitled:

An act to repeal sections 572.010, 572.070 and 572.125, RSMo 1994, relating to the crime of gambling, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 432**, entitled:

An act to repeal section 89.020, RSMo 1994, relating to zoning powers of a municipal legislative body, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 449**, entitled:

An act to repeal sections 30.260, 30.300 and 30.350, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof eleven new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 457 & 458**, entitled:

An act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Friday, April 18, 1997.

**CORRECTIONS**

Correct House Journal, Fifty-fourth Day, Wednesday, April 16, 1997, Pages 1133 and 1134, roll call, by showing Representative Kreider voting "present" rather than "absent with leave".

Page 1139, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Page 1140, roll call, by showing Representatives Barry and Kreider voting "aye" rather than "absent with leave".

Page 1141, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Page 1148, roll call, by showing Representative Dolan voting "no" rather than "absent with leave".

Page 1148, roll call, by showing Representative Robirds voting "aye" rather than "no".

**COMMITTEE MEETINGS**

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 23, 1997, 1:30 pm. Hearing Room 9. Executive session.

To be considered - SB 6

BUDGET

Monday, April 21, 1997, 8:00 pm. Senate committee rooms 2 and 3.

Conference committee meeting.

BUDGET

Monday, April 21, 1997, 11:00 am. Hearing Room 9. Executive session on previously heard bills.

To be considered - HB 373

BUDGET

Tuesday, April 22, 1997, 8:30 am. Senate committee rooms 2 and 3.

Conference committee meeting.

BUDGET

Wednesday, April 23, 1997, 8:30 am. Hearing Room 9. Conference committee meeting.

BUDGET

Wednesday, April 23, 1997, 8:00 pm. Senate committee rooms 2 and 3.

Conference committee meeting.

CIVIL AND ADMINISTRATIVE LAW

Tuesday, April 22, 1997. Side gallery upon morning adjournment. Executive session.

CRIMINAL LAW

Tuesday, April 22, 1997. Hearing Room 9 upon evening adjournment.

Executive session will follow.

To be considered - HB 841, SB 251

CRITICAL ISSUES

Monday, April 21, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 24, SB 264, SB 327

CRITICAL ISSUES

Tuesday, April 22, 1997, 9:00 am. Hearing Room 9. Executive session.

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 22, 1997, 8:30 am. Hearing Room 7.

To be considered - HB 860, HB 886, SCR 23, Executive Session - SB 187

PROFESSIONAL REGISTRATION & LICENSING

Tuesday, April 22, 1997, 9:00 am. Hearing Room 5.

To be considered - SB 141

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Monday, April 21, 1997, 10:00 am. Hearing Room 8. Executive session.

To be considered - SB 161

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 22, 1997, 5:30 pm. Hearing Room 5. Possible executive session.

AMENDED NOTICE

To be considered - SB 202

**HOUSE CALENDAR**

FIFTY-SIXTH DAY, FRIDAY, APRIL 18, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 262 - Murray

3 HB 57 - Shear

4 HB 850 - Kelly (27)

5 HCS HB 723, 789 & 372 - Dougherty

6 HB 681 - Fitzwater

7 HB 542 - Farnen

8 HCS HB 508 & 145 - Stokan

9 HB 135, HCAs 1 & 2 - Dougherty

10 HB 190 - Rizzo

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HB 811, HCA 1, HS, as amended, pending, - Lakin

9 HCS HB 436 & 260 - Treadway

10 HCS HB 282, HS, as amended, pending - Kissell

11 HCS HB 349, as amended, HS, adopted, pending - Koller

**HOUSE BILLS FOR THIRD READING**

1 HS HB 373, (Budget Fiscal 4-16-97) - Kreider

2 HCS HB 664, (Budget Fiscal 4-16-97) - Ross

3 HS HCS HB 474, (Budget Fiscal 4-16-97) - Smith

4 HS HCS HB 451 - Wiggins

5 HB 215 - Dougherty

6 HB 777 - Hosmer

7 HCS HB 697, (Budget Fiscal 4-17-97) - Relford

8 HCS HB 331 - O'Toole

9 HCS HB 50 - Gratz

10 HB 232 - Dougherty

11 HCS HB 560 - Lakin

12 HCS HB 206 - Koller

13 HCS HB 641 & 593 - Fitzwater

14 HCS HB 364, 33, 148, 187, 488 & 503 - May (108)

15 HS HB 513 - Clayton

16 HB 578 - Williams (121)

**SENATE JOINT RESOLUTION FOR SECOND READING**

SCS SJR 14

**SENATE BILLS FOR SECOND READING**

1 SB 20

2 SB 21

3 SCS SB 49, 213, 130, 32, 235 & 221

4 SCS SB 79

5 SS SB 173

6 SS SB 275

7 SB 298

8 SS SCS SB 345

9 SS SB 432

10 SB 449

11 SCS SB 457 & 458

**SENATE BILLS FOR THIRD READING - CONSENT**

(April 14, 1997)

1 SB 242 - Fritts

2 SB 215 - Skaggs

3 SB 146, E.C. - Lumpe

4 SB 424 - Johnson

5 SB 416 - Linton

6 SB 131 - Hollingsworth

7 SB 179, HCA 1 - Williams (159)

8 HCS SB 164 - Smith

9 SB 398 - Schilling

10 HCS SB 375 - Hosmer

11 HCS SB 309 - Franklin

12 SB 310, E.C. - Bray

13 HCS SB 389 - Hagan-Harrell

14 SB 152 - Davis (122)

15 SB 246 - Riback Wilson

(April 15, 1997)

16 SB 70, E.C. - Hollingsworth

17 SB 150 - Liese

18 SB 342 - McBride

19 SB 243 - Harlan

20 SCS SB 220, HCA 1 - Smith

21 SB 197 - Smith

22 HCS SB 387, E.C. - Smith

23 SB 346 -

24 SB 133 - Hosmer

25 SB 255 - Elliott

26 SB 318 - Cierpiot

27 HCS SB 148 - Liese

28 HCS SB 34 -

29 SB 155, HCA 1 - Smith

30 SB 353, HCA 1, E.C. - Crawford

31 HCS SCS SB 408 - Graham (24)

32 SCS SB 402, HCA 1 - Smith

33 HCS SB 368, E.C. - Scott

34 HCS SB 320 - McBride

35 SB 262, HCA 1 - Treadway

36 SB 175 - Hoppe

37 HCS SCS SB 194 - Clayton

38 SB 112 - Hoppe

39 HCS SB 59 - Evans

40 SB 122 - Backer

41 SB 395 - Hoppe

42 HCS SB 58 - Summers

43 SB 371 - Hoppe

44 HCS SB 241 - Hoppe

45 SCS SB 373, HCA 1 - Barry

(April 16, 1997)

46 SB 69, HCA 1 - Ransdall

47 SB 410 - Wiggins

48 HCS SCS SB 316 - Hoppe

49 SB 437 - Hoppe

50 HCS SCS SB 104 - Legan

**HOUSE BILL WITH SENATE AMENDMENTS**

SCS HCS HB 356 - Skaggs

**BILLS IN CONFERENCE**

SCS HCS HB 2 - Franklin

SCS HCS HB 3, as amended, - Franklin

SCS HCS HB 4 - Green

SCS HCS HB 5, as amended, - Green

SCS HCS HB 6, as amended, - Tate

SCS HCS HB 7, as amended, - Tate

SCS HCS HB 8, as amended, - Franklin

SCS HCS HB 9, as amended, - Lakin

SCS HCS HB 10 - Carter

SCS HCS HB 11 - Lakin

SCS HCS HB 12, as amended, - Green/Franklin

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-SIXTH DAY, Friday, April 18, 1997

Speaker Gaw in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

**RESOLUTION**

Representative Gaskill offered House Resolution No. 628, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF SENATE JOINT RESOLUTION**

**SCS SJR 14** was read the second time.

**SECOND READING OF SENATE BILLS**

**SB 20, SB 21, SCS SB 49, 213, 130, 32, 235 & 221, SCS SB 79, SS SB 173, SS SB 275, SB 298, SS SCS SB 345, SS SB 432, SB 449,** and **SCS SB 457 & 458** were read the second time.

**COMMITTEE REPORTS**

**Committee on Ethics**, Chairman Clayton reporting:

Mr. Speaker: Your Committee on Ethics, to which was referred **CAUCUS FOR DEMOCRATIC POLICY GROUP**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

TO: Representative Robert Clayton

FROM: Representative Steve McLuckie

DATE: March 18, 1997

RE: Caucus for Democratic Policy Group

In accordance with Section 105.470.4(2)(c)d RSMo 1991, we are listing the following members of the General Assembly as members of the Caucus for Democratic Policy Group.

Representatives Districts

/s/ Joan Bray 84

/s/ Lloyd Daniel 42

/s/ Rita Days 71

/s/ Nancy Farmer 64

/s/ Rodger Fitzwater 36

/s/ Tim Harlan 23

/s/ Glenda Kelly 27

/s/ Scott Lakin 33

/s/ Sheila Lumpe 72

/s/ Steve McLuckie 44

/s/ Mike Schilling 136

/s/ Sue Shear 83

/s/ Phil Smith 11

/s/ Lana Stokan 76

/s/ Tim Van Zandt 38

/s/ Deleta Williams 121

/s/ Randy Relford 6

/s/ Vicky Riback Wilson 25

/s/ Maurice Lawson 29

/s/ Jim Seigfreid 26

/s/ Bill Ransdall 148

/s/ Marsha Campbell 39

/s/ Dave Reynolds 77

/s/ May Scheve 98

/s/ Robert Clayton 10

/s/ Pat Dougherty 67

/s/ Gene Copeland 161

/s/ Joan Barry 100

/s/ Carol Jean Mays 50

/s/ D. J. Davis 122

Mr. Speaker: Your Committee on Ethics, to which was referred **Addition of Steve McLuckie to LEGISLATORS FOR**

**A MODERATE AGENDA Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

TO: REP. CLAYTON

FROM: REP. McLUCKIE

DATE: APRIL 10, 1997

RE: LEGISLATORS FOR A MODERATE AGENDA

I would like to request membership to the Legislators for a Moderate Agenda Caucus. Thank you for your consideration and please respond at your earliest convenience.

Thanks again.

Mr. Speaker: Your Committee on Ethics, to which was referred **ADDITION OF DORATHEA DAVIS TO WOMEN LEGISLATORS OF MISSOURI CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

DATE: April 15, 1997

FROM: Rep. Dorathea Davis

TO: Rep. Robert Clayton

RE: Membership in Women Legislators of Missouri

I would like to be added to the membership in the Women Legislators of Missouri Caucus.

Thank you.

April 7, 1997

To: Representative Robert Clayton

Chairman of the Ethics Committee

From: Representative Deleta Williams

President, Women Legislators of Missouri

Re: New Women Legislator Member

In accordance with Section 105.470, the Women Legislators of Missouri would like to add the following person in the General Assembly as a member:

**Representative Dorathea Davis**

We are sorry if this is any inconvenience to you or the committee.

Mr. Speaker: Your Committee on Ethics, to which was referred **Addition of Denny Merideth to FRESHMAN CAUCUS**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.**

April 15, 1997

The Honorable Robert M. Clayton, III, Chairman

House Ethics Committee

State Capitol Building

Rm. 114A

Jefferson City, MO 65101

Dear Representative Clayton:

Please add Representative Denny Merideth's name to the list of members of the Freshman Caucus of the Missouri House of Representatives. His signature is enclosed herein.

Thank you for your attention to this matter.

Sincerely,

/s/ Randall H. Relford

Sixth District

/s/ Denny J. Merideth, District 162

**LETTER OF OBJECTION**

April 18, 1997

Ms. Anne Walker

Chief Clerk of the House

Room 306-C, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Walker:

In accordance with House Rule 48, the undersigned hereby file a written objection and respectfully request that House Committee Substitute for Senate Bill No. 320 be stricken from the Senate Bills for Third Reading Consent and returned to the Committee on Professional Registration.

We feel this bill is of controversial matter.

Respectfully submitted,

/s/ Don Koller

/s/ Gracia Y. Backer

/s/ Carson Ross

/s/ Sam Gaskill

/s/ Chuck Pryor

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated pursuant to Rule 48:

**HCS SB 320** - Rules, Joint Rules, and Bills Perfected and Printed

**ADJOURNMENT**

On motion of Speaker Gaw, the House adjourned until 12:00 Noon, Monday, April 21, 1997.

**COMMITTEE MEETING**

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Monday, April 21, 1997, 10:00 am. Hearing Room 8. Execution session.

To be considered - SB 161

**HOUSE CALENDAR**

FIFTY- SEVENTH DAY, MONDAY, APRIL 21, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 262 - Murray

3 HB 57 - Shear

4 HB 850 - Kelly (27)

5 HCS HB 723, 789 & 372 - Dougherty

6 HB 681 - Fitzwater

7 HB 542 - Farnen

8 HCS HB 508 & 145 - Stokan

9 HB 135, HCAs 1 & 2 - Dougherty

10 HB 190 - Rizzo

11 HCS HB 336 - Green

12 HCS HB 635 - Kennedy

13 HCS HB 582 - Schilling

14 HCS HB 509 - Bland

15 HCS HB 434, 624 & 676 - Long

16 HB 267 - Overschmidt

17 HCS HB 724 - Riback Wilson

18 HB 108 - Scheve

19 HB 423, HCA 1 - Backer

20 HB 848 - DeMarce

21 HCS HB 511 - Graham (24)

22 HB 497, HCA 1 - Naeger

23 HB 106 - Bland

24 HB 753 - Broach

25 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HB 811, HCA 1, HS, as amended, pending, - Lakin

9 HCS HB 436 & 260 - Treadway

10 HCS HB 282, HS, as amended, pending - Kissell

11 HCS HB 349, as amended, HS, adopted, pending - Koller

**HOUSE BILLS FOR THIRD READING**

**1 HS HB 373, (Budget Fiscal 4-16-97) - Kreider**

**2 HCS HB 664, (Budget Fiscal 4-16-97) - Ross**

**3 HS HCS HB 474, (Budget Fiscal 4-16-97) - Smith**

**4 HS HCS HB 451 - Wiggins**

**5 HB 215 - Dougherty**

**6 HB 777 - Hosmer**

**7 HCS HB 697, (Budget Fiscal 4-17-97) - Relford**

**8 HCS HB 331 - O'Toole**

**9 HCS HB 50 - Gratz**

**10 HB 232 - Dougherty**

**11 HCS HB 560 - Lakin**

**12 HCS HB 206 - Koller**

**13 HCS HB 641 & 593 - Fitzwater**

**14 HCS HB 364, 33, 148, 187, 488 & 503 E.C.- May (108)**

**15 HS HB 513 - Clayton**

**16 HB 578 - Williams (121)**

**17 HCS HB 696, E.C. - Days**

**18 HCS HB 669 - Stroker**

**19 HB 376 - Leake**

**20 HCS HB 459 - Shelton (57)**

**SENATE BILLS FOR THIRD READING - CONSENT**

**1 SB 242 - Fritts**

**2 SB 215 - Skaggs**

**3 SB 146, E.C. - Lumpe**

**4 SB 424 - Johnson**

**5 SB 416 - Linton**

**6 SB 131 - Hollingsworth**

**7 SB 179, HCA 1 - Williams (159)**

**8 HCS SB 164 - Smith**

**9 SB 398 - Schilling**

**10 HCS SB 375 - Hosmer**

**11 HCS SB 309 - Franklin**

**12 SB 310, E.C. - Bray**

**13 HCS SB 389 - Hagan-Harrell**

**14 SB 152 - Davis (122)**

**15 SB 246 - Riback Wilson**

**(April 15, 1997)**

**16 SB 70, E.C. - Hollingsworth**

**17 SB 150 - Liese**

**18 SB 342 - McBride**

**19 SB 243 - Harlan**

**20 SCS SB 220, HCA 1 - Smith**

**21 SB 197 - Smith**

**22 HCS SB 387, E.C. - Smith**

**23 SB 346 -**

**24 SB 133 - Hosmer**

**25 SB 255 - Elliott**

**26 SB 318 - Cierpiot**

**27 HCS SB 148 - Liese**

**28 HCS SB 34 -**

**29 SB 155, HCA 1 - Smith**

**30 SB 353, HCA 1, E.C. - Crawford**

**31 HCS SCS SB 408 - Graham(24)**

**32 SCS SB 402, HCA 1 - Smith**

**33 HCS SB 368, E.C. - Scott**

**34 SB 262, HCA 1 - Treadway**

**35 SB 175 - Hoppe**

**36 HCS SCS SB 194 - Clayton**

**37 SB 112 - Hoppe**

38 HCS SB 59 - Evans

39 SB 122 - Backer

40 SB 395 - Hoppe

41 HCS SB 58 - Summers

42 SB 371 - Hoppe

43 HCS SB 241 - Hoppe

44 SCS SB 373, HCA 1 - Barry

(April 16, 1997)

45 SB 69, HCA 1 - Ransdall

46 SB 410 - Wiggins

47 HCS SCS SB 316 - Hoppe

48 SB 437 - Hoppe

49 HCS SCS SB 104 - Legan

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 356 - Skaggs

BILLS IN CONFERENCE

1 SCS HCS HB 2 - Franklin

2 SCS HCS HB 3, as amended, - Franklin

3 SCS HCS HB 4 - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Tate

6 SCS HCS HB 7, as amended, - Tate

7 SCS HCS HB 8, as amended, - Franklin

8 SCS HCS HB 9, as amended, - Lakin

9 SCS HCS HB 10 - Carter

10 SCS HCS HB 11 - Lakin

11 SCS HCS HB 12, as amended, - Green/Franklin

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-SEVENTH DAY, Monday, April 21, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

*Baruch ata Adonai, Elohaynu melech ha-olam* (Praised be Thou, O Lord our God, King of the universe), for you are the God of Abraham, Isaac and Jacob. You are the one true God, mindful of each one of us. Bless our assembly in this place today. As our Jewish brothers and sisters prepare to observe the days of Passover, there is celebration at the deliverance from bondage. May we ALL celebrate deliverance - deliverance from the bondage of prejudice, from the bondage of small-mindedness, from the bondage of self-will and self-centeredness.

As these representatives take on the business of these final days of this session, give them wisdom; grant them courage; sustain them in faith. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Micha Strathman, Scott Reynolds, Jenny Jackson, Stacie Youree and Josh Keil.

The Journal of the fifty-fifth day was approved as corrected.

The Journal of the fifty-sixth day was approved as printed.

**RESOLUTIONS**

Representative Murphy offered House Resolution Nos. 629 through 641, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 642, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bennett offered House Resolution No. 643, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution Nos. 644 through 669, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 670, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Linton offered House Resolution Nos. 671 through 684, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution Nos. 685 through 698, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Enz and Murphy offered House Resolution Nos. 699 through 712, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 713, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 714, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 715, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative O'Connor offered House Resolution No. 716, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lakin offered House Resolution Nos. 717 and 718, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 719, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Dolan offered House Resolution No. 720, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scheve offered House Resolution No. 721, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 722, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gratz offered House Resolution No. 723, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 724, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gratz offered House Resolution No. 725.

Representative Nordwald offered House Resolution No. 726, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HS HCS HB 474 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 50, HCS HB 206, HB 215, HB 232, HCS HBs 364, 33, 148, 187, 488 & 503, HS HCS HB 451, HS HB 513, HCS HB 560, HB 578, HCS HB 669, HCS HB 697 and HB 777**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 331, HB 376, HCS HB 459, HCS HBs 641 & 593, HCS HB 696**, begs leave to report it has examined the same

and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **HCS SB 161**, begs leave to report it has examined the same and recommends that it **be returned to the committee of origin.**

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman

Kelly 27 Kennedy Kissell Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

ABSENT WITH LEAVE: 011

Goward Green Hand Holand Hoppe
Kelley 47 Koller McBride Reynolds Shear
Stroker

**THIRD READING OF HOUSE BILLS**

**HS HCS HB 451**, relating to floodplain management, was taken up by Representative Wiggins.

On motion of Representative Wiggins, **HS HCS HB 451** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 006

Crawford Edwards-Pavia Gratz Murphy Patek
Seigfreid

PRESENT: 000

ABSENT WITH LEAVE: 009

Goward Green Hand Hoppe Kelley 47
McBride Reynolds Shear Stroker

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**HB 215**, relating to caseload standards, was taken up by Representative Dougherty.

Representative Dougherty moved that **HB 215** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 081

Auer Backer Barry 100 Bauer Bland
Boucher Bray 84 Campbell Carter Clayton
Copeland Crump Davis 63 Davis 122 DeMarce
Donovan Dougherty Edwards-Pavia Farmer Farnen
Fitzwater Foley Ford Franklin Fritts
Graham 24 Green Gunn Hagan-Harrell Harlan
Heckemeyer Hegeman Hickey Hollingsworth Johnson

Kasten Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Liese

Luetkenhaus Lumpe May 108 Mays 50 McLuckie

Merideth Monaco Murray O'Connor O'Toole

Overschmidt Parker Purgason Ransdall Relford

Rizzo Sallee Scheve Schilling Seigfreid

Shelton 57 Shields Skaggs Smith Stokan

Stoll Tate Thomason 163 Treadway Troupe

Van Zandt Wiggins Williams 121 Williams 159 Wilson

Wooten

NOES: 070

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Days Dolan Elliott Enz

Evans Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hendrickson Hohulin

Holand Hosmer Howerton Kauffman Legan

Levin Linton Lograsso Long Loudon

Marble McClelland Miller Murphy Naeger

Nordwald Ostmann Patek Pouche Pryor

Reinhart Richardson Ridgeway Robirds Ross

Schwab Scott Secrest Sheldon 104 Steen

Summers Surface Townley Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniel 42 Daniels 41 Goward Hand Hoppe

Kelley 47 McBride Reynolds Shear Stroker

Thompson 37 Mr. Speaker

**HCS HB 560**, relating to phenylketonuria (PKU) testing, was taken up by Representative Lakin.

Representative Lakin offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND HCS HB 560, Page 2, Section 191.331, Line 23 by inserting immediately after the word "certified" the

word "**nurse**".

On motion of Representative Lakin, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Lakin, **HCS HB 560, as amended,** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hosmer Howerton Johnson Kasten

Kauffman Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 004

Crawford Lograsso Murphy Nordwald

PRESENT: 000

ABSENT WITH LEAVE: 009

Goward Hand Hoppe Kelley 47 McBride
Patek Reynolds Shear Stroker

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 331**, relating to St. Louis Police Retirement System, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **HCS HB 331** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hosmer Howerton Johnson
Kasten Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Summers Surface

Tate Thomason 163 Thompson 37 Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Goward Hand Hoppe Kelley 47 McBride

Reynolds Shear Stroker Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

**HS HCS HB 474**, relating to juvenile personnel, was taken up by Representative Smith.

On motion of Representative Smith, **HS HCS HB 474** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Purgason Ransdall Reinhart

Relford Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 004

Bennett 15 Bland Murphy Patek

PRESENT: 000

ABSENT WITH LEAVE: 011

Goward Hand Hoppe Kelley 47 Linton

Loudon McBride Pryor Reynolds Shear

Stroker

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Foley, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 364, 33, 148, 187, 488 and 503**, relating to court proceedings, was taken up by Representative May (108).

On motion of Representative May (108), **HCS HBs 364, 33, 148, 187, 488 and 503** was read the third time and passed by the following vote:

AYES: 131

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Clayton Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Graham 24

Gratz Green Gross Gunn Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hosmer

Howerton Johnson Kasten Kauffman Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Levin Liese Linton

Long Luetkenhaus Lumpe May 108 Mays 50

Merideth Miller Monaco Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 021

Ballard Boatright Cierpiot Cooper Crawford
Edwards-Pavia Elliott Enz Gibbons Graham 106
Griesheimer Hohulin Legan Lograsso Marble
McClelland Murphy Nordwald Ridgeway Robirds
Steen

PRESENT: 000

ABSENT WITH LEAVE: 011

Goward Hand Harlan Hoppe Kelley 47
Loudon McBride McLuckie Reynolds Shear
Stroker

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McClelland McLuckie
Merideth Miller Monaco Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 004

Bland Hohulin Murphy Nordwald

PRESENT: 000

ABSENT WITH LEAVE: 011

Goward Hand Harlan Hoppe Kelley 47

Loudon McBride Reynolds Ridgeway Shear

Stroker

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 696**, relating to elections, was taken up by Representative Days.

On motion of Representative Days, **HCS HB 696** was read the third time and passed by the following vote:

AYES: 139

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Graham 24 Graham 106
Gratz Green Gross Gunn Hagan-Harrell
Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble Mays 50
McClelland McLuckie Merideth Miller Monaco
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Relford Richardson Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 013

Crawford Elliott Froelker Gaston Gibbons
Griesheimer Hall Hartzler 124 Lograsso Murphy
Nordwald Reinhart Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 011

Goward Hand Harlan Hoppe Kelley 47
Lakin May 108 McBride Reynolds Shear
Stroker

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 092

Auer Backer Barry 100 Bartelsmeyer Bauer
Bland Bonner Boucher Bray 84 Broach
Campbell Carter Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Enz
Evans Farmer Farnen Fitzwater Foley
Ford Franklin Fritts Graham 24 Gratz
Green Gunn Hagan-Harrell Hartzler 123 Heckemeyer
Hendrickson Hickey Holand Hollingsworth Hosmer
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Levin Liese Long Luetkenhaus
Lumpe May 108 McClelland Monaco Murray
O'Connor O'Toole Overschmidt Parker Ransdall
Relford Rizzo Scheve Schilling Scott
Seigfreid Shelton 57 Skaggs Smith Stokan
Stoll Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Wiggins Williams 121 Williams 159
Wilson Wooten

NOES: 061

Akin Alter Ballard Barnett 4 Bennett 15
Berkstresser Boatright Burton Champion Chrismer
Cierpiot Crawford Dolan Edwards-Pavia Elliott
Foster Froelker Gaskill Gaston Gibbons
Graham 106 Griesheimer Gross Hall Hartzler 124
Hegeman Hohulin Howerton Legan Linton
Lograsso Loudon Marble McLuckie Merideth
Miller Murphy Naeger Nordwald Ostmann
Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Robirds Ross Sallee
Schwab Secrest Sheldon 104 Shields Steen
Summers Surface Van Zandt Vogel Wannenmacher
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Goward Hand Harlan Hoppe Kelley 47
Mays 50 McBride Reynolds Shear Stroker

On motion of Representative Thomason (163), title to the bill was agreed to.

Representative Skaggs moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

**HCS HB 206**, relating to motor vehicles, was taken up by Representative Koller.

Representative Koller moved that **HCS HB 206** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 054

Auer Backer Bartelsmeyer Berkstresser Boatright
Champion Clayton Cooper Copeland Daniels 41
Days DeMarce Donovan Edwards-Pavia Fitzwater
Foley Franklin Graham 106 Hagan-Harrell Hartzler 123
Heckemeyer Hegeman Hollingsworth Kennedy Koller
Kreider Leake Lumpe May 108 Murray
Nordwald Overschmidt Parker Patek Purgason
Rizzo Robirds Ross Scheve Seigfreid
Sheldon 104 Shelton 57 Skaggs Steen Tate
Thomason 163 Thompson 37 Vogel Wannenmacher Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 095

Akin Alter Ballard Barnett 4 Barry 100
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Chrismer Cierpiot Crump Daniel 42 Davis 63
Davis 122 Dolan Dougherty Elliott Enz
Evans Farmer Farnen Ford Foster
Fritts Froelker Gaston Gibbons Graham 24
Gratz Green Gross Gunn Hall
Harlan Hartzler 124 Hendrickson Hickey Hohulin
Holand Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kissell Lakin Lawson
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Marble Mays 50

McClelland McLuckie Merideth Miller Monaco
Murphy Naeger O'Connor Ostmann Pouche
Pryor Ransdall Reinhart Relford Richardson
Schilling Schwab Scott Secrest Shields
Smith Stokan Stoll Summers Surface
Townley Treadway Troupe Van Zandt Williams 121

PRESENT: 003

Crawford Griesheimer Sallee

ABSENT WITH LEAVE: 011

Gaskill Goward Hand Hoppe Kelley 47
McBride O'Toole Reynolds Ridgeway Shear
Stroker

Speaker Pro Tem Kreider resumed the Chair.

**HCS HB 669**, relating to law enforcement, was taken up by Representative May (108).

On motion of Representative May (108), **HCS HB 669** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Bray 84
Broach Burton Campbell Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stokan Stoll Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Bland Carter Daniel 42 Gunn Murphy
Schilling Smith

PRESENT: 000

ABSENT WITH LEAVE: 007

Goward Hand Hoppe Kelley 47 Reynolds
Shear Stroker

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**HB 376**, relating to joint municipal utility commissions, was taken up by Representative Leake.

On motion of Representative Leake, **HB 376** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hosmer Howerton Johnson
Kasten Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Goward Hand Hoppe Kelley 47 Lograsso
Reynolds Shear Stroker Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENT**

**SCS HCS HB 356**, relating to state retirement, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **SCS HCS HB 356** was adopted by the following vote:

AYES: 101

Auer Backer Barry 100 Bauer Bennett 15
Bland Bonner Boucher Bray 84 Burton
Campbell Carter Champion Clayton Cooper
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Donovan Dougherty
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Graham 24 Graham 106
Gratz Green Gunn Hagan-Harrell Harlan
Hartzler 123 Heckemeyer Hickey Hollingsworth Hosmer
Johnson Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Long Luetkenhaus May 108 Mays 50
McBride McLuckie Miller Monaco Murray
O'Connor O'Toole Overschmidt Parker Ransdall
Relford Rizzo Robirds Ross Scheve
Schilling Schwab Scott Seigfreid Sheldon 104
Shelton 57 Skaggs Smith Steen Stokan
Stoll Stroker Summers Thomason 163 Thompson 37
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 056

Akin Alter Ballard Barnett 4 Bartelsmeyer
Berkstresser Boatright Broach Chrismer Cierpiot
Crawford Dolan Edwards-Pavia Elliott Enz

Evans Froelker Gaskill Gaston Gibbons

Griesheimer Gross Hall Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kauffman Levin Linton Lograsso Loudon

Lumpe Marble McClelland Merideth Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Sallee Secrest Shields Surface Tate

Townley

PRESENT: 000

ABSENT WITH LEAVE: 006

Goward Hand Hoppe Kelley 47 Reynolds

Shear

On motion of Representative Skaggs, **SCS HCS HB 356** was truly agreed to and finally passed by the following vote:

AYES: 092

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Burton Campbell

Carter Clayton Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Farmer Farnen Fitzwater

Foley Ford Franklin Fritts Graham 24

Gratz Green Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hickey Hollingsworth Hosmer

Johnson Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Liese Luetkenhaus Lumpe May 108 Mays 50

McLuckie Miller Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Rizzo Scheve Schwab Seigfreid Sheldon 104

Shelton 57 Skaggs Smith Steen Stokan

Stoll Stroker Summers Tate Thomason 163

Thompson 37 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 061

Akin Alter Ballard Bartelsmeyer Bennett 15

Berkstresser Boatright Broach Champion Chrismer

Cierpiot Cooper Crawford Dolan Elliott

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Gross

Hall Hartzler 124 Hegeman Hendrickson Holand

Howerton Kasten Kauffman Levin Linton

Lograsso Long Loudon Marble McClelland

Merideth Murphy Naeger Nordwald Ostmann

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Robirds Ross Sallee

Schilling Scott Secrest Shields Surface

Townley

PRESENT: 001

Barnett 4

ABSENT WITH LEAVE: 009

Edwards-Pavia Goward Hand Hohulin Hoppe

Kelley 47 McBride Reynolds Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Ransdall, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**RECONSIDERATION**

Representative Luetkenhaus, having voted on the prevailing side, moved that the vote by which **HB 266, as amended,** was defeated on perfection, be reconsidered.

Which motion was adopted by the following vote:

AYES: 094

Akin Auer Backer Barry 100 Bauer

Bland Bonner Boucher Bray 84 Broach

Clayton Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Donovan
Dougherty Evans Farmer Farnen Fitzwater
Foley Ford Franklin Fritts Gibbons
Graham 24 Gratz Green Gunn Hagan-Harrell
Harlan Hartzler 124 Heckemeyer Hendrickson Hickey
Holand Hollingsworth Hosmer Johnson Kasten
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Liese Loudon
Luetkenhaus Lumpe May 108 McBride McClelland
McLuckie Monaco Murphy Murray O'Connor
O'Toole Ostmann Overschmidt Parker Pouche
Ransdall Relford Rizzo Robirds Scheve
Schilling Secrest Seigfreid Sheldon 104 Shelton 57
Skaggs Stokan Stoll Stroker Tate
Thompson 37 Treadway Troupe Van Zandt Vogel
Wiggins Williams 121 Wilson Mr. Speaker

NOES: 061

Alter Ballard Barnett 4 Bartelsmeyer Bennett 15
Berkstresser Boatright Burton Campbell Carter
Champion Chrismer Cierpiot Cooper Crawford
Dolan Elliott Enz Foster Froelker
Gaskill Gaston Graham 106 Griesheimer Gross
Hall Hartzler 123 Hegeman Hohulin Howerton
Kauffman Legan Levin Linton Lograsso
Marble Mays 50 Merideth Miller Naeger
Nordwald Patek Pryor Purgason Reinhart
Richardson Ridgeway Ross Sallee Schwab
Scott Shields Smith Steen Summers
Surface Thomason 163 Townley Wannenmacher Williams 159
Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Edwards-Pavia Goward Hand Hoppe Kelley 47
Long Reynolds Shear

**HB 266, as amended,** was placed on the Informal Calendar for Perfection.

Representative Scheve resumed the Chair.

**THIRD READING OF SENATE BILLS - CONSENT**

**SB 146**, relating to St. Louis County Special School District, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **SB 146** was truly agreed to and finally passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 003

Gaston Hall Murphy

PRESENT: 000

ABSENT WITH LEAVE: 008

Edwards-Pavia Goward Hand Hoppe Kelley 47
Reynolds Shear Sheldon 104

Representative Scheve declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Ransdall Relford Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 010

Boatright Crawford Gaston Hall Hohulin
Lograsso Purgason Reinhart Richardson Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 008

Edwards-Pavia Goward Hand Hoppe Kelley 47
Murphy Reynolds Shear

On motion of Representative Bonner, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**SB 424**, relating to lease of property in St. Francois County, was taken up by Representative Johnson.

On motion of Representative Johnson, **SB 424** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Edwards-Pavia Gibbons Goward Hand Hoppe
Kelley 47 Legan Reynolds Shear Stroker

Representative Scheve declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**SB 416**, relating to conveyance of property in St. Louis County, was taken up by Representative Linton.

On motion of Representative Linton, **SB 416** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Edwards-Pavia Goward Green Hand
Hoppe Kelley 47 Reynolds Scott Shear

Representative Scheve declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Farmer moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**SB 131**, relating to commercial motor vehicle registration, was taken up by Representative Hollingsworth.

On motion of Representative Hollingsworth, **SB 131** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Griesheimer Gross Gunn Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 003

Hegeman Murphy Secrest

PRESENT: 000

ABSENT WITH LEAVE: 009

Edwards-Pavia Goward Green Hand Harlan

Hoppe Kelley 47 Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Thomason (163) moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**SB 179, with House Committee Amendment No. 1**, relating to fertilizer, was taken up by Representative Williams (159).

On motion of Representative Williams (159), House Committee Amendment No. 1 was adopted.

On motion of Representative Williams (159), **SB 179, as amended,** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Crump Edwards-Pavia Froelker Goward
Hand Hoppe Kelley 47 Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Tate moved that the vote by which the bill passed be reconsidered.

Representative Stoll moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 164**, relating to land title records, was taken up by Representative Treadway.

On motion of Representative Treadway, **HCS SB 164** was adopted.

On motion of Representative Treadway, **HCS SB 164** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farmer Farnen

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Barnett 4 Daniels 41 Edwards-Pavia Fitzwater Goward
Hand Hoppe Kelley 47 Luetkenhaus Reynolds
Shear

Representative Scheve declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**SB 215**, relating to victims fund, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **SB 215** was truly agreed to and finally passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniels 41 Edwards-Pavia Goward Hand Harlan
Hoppe Kelley 47 Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SB 398**, relating to conveyance of property in Greene County, was taken up by Representative Schilling.

On motion of Representative Schilling, **SB 398** was truly agreed to and finally passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelly 27 Kennedy

Kissell Lakin Lawson Leake Legan

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Daniels 41 Davis 122 Edwards-Pavia Goward Hagan-Harrell

Hand Hoppe Kelley 47 Koller Kreider

Lograsso Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative Johnson moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 309**, relating to school retirement systems, was taken up by Representative Franklin.

On motion of Representative Franklin, **HCS SB 309** was adopted.

On motion of Representative Franklin, **HCS SB 309** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelly 27
Kennedy Kissell Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 001

Relford

ABSENT WITH LEAVE: 010

Crump Daniels 41 Edwards-Pavia Goward Hand
Hoppe Kelley 47 Koller Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**SB 310**, relating to sale of school property, was taken up by Representative Bray.

On motion of Representative Bray, **SB 310** was truly agreed to and finally passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser
Bland Boatright Bonner Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald

O'Connor Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Bennett 15 Boucher Daniels 41 Edwards-Pavia Franklin
Goward Hand Holand Hoppe Kelley 47
Luetkenhaus O'Toole Reinhart Reynolds Shear

Representative Scheve declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 132

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Bray 84 Burton Campbell Carter
Champion Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Linton Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Ransdall Reinhart Relford Rizzo Robirds

Ross Sallee Scheve Schilling Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 019

Akin Berkstresser Boatright Broach Chrismer

Gaston Gross Hall Hohulin Lograsso

Loudon Patek Pouche Pryor Purgason

Richardson Ridgeway Schwab Steen

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer Daniels 41 Edwards-Pavia Goward Hand

Hoppe Kelley 47 Levin Long Luetkenhaus

Reynolds Shear

On motion of Representative Carter, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 389**, relating to highway retirement, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **HCS SB 389** was adopted.

On motion of Representative Hagan-Harrell, **HCS SB 389** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Edwards-Pavia Goward Hand Hoppe
Kelley 47 Luetkenhaus Monaco Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**SB 152**, relating to nonteacher school employee retirement, was taken up by Representative Davis (122).

On motion of Representative Davis (122), **SB 152** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farmer
Farnen Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Edwards-Pavia Fitzwater Goward Hand

Hoppe Kelley 47 Purgason Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**SB 246**, relating to state committeee for social workers, was taken up by Representative Riback Wilson.

On motion of Representative Riback Wilson, **SB 246** was truly agreed to and finally passed by the following vote:

AYES: 135

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bland

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Gaskill Graham 24

Graham 106 Gratz Green Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hosmer

Howerton Johnson Kasten Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkenhaus Lumpe May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Relford

Richardson Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 021

Bennett 15 Berkstresser Boatright Crawford Elliott

Froelker Gaston Gibbons Griesheimer Hall

Hartzler 124 Hohulin Kauffman Lograsso Marble

Murphy Patek Reinhart Ridgeway Steen

Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Edwards-Pavia Goward Hand Hoppe Kelley 47

Reynolds Shear

Representative Scheve declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILLS**

**HB 262**, relating to municipal fire departments, was taken up by Representative Murray.

Representative Murray offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 262, Page 1, Section 1, Line 1, by striking the word "municipal" and inserting in lieu thereof the following: "**municipalities with**".

On motion of Representative Murray, House Amendment No. 1 was adopted.

Representative Froelker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 262, Page 1, Section 4, Line 13, by adding after said line the following:

"Once this issue is submitted to the voters of a municipality and the issue is rejected, the issue can not be resubmitted for a vote for a period of eighteen months."

On motion of Representative Froelker, House Amendment No. 2 was adopted.

On motion of Representative Murray, **HB 262, as amended,** was ordered perfected and printed by the following vote:

AYES: 093

Auer Backer Bauer Bland Bonner

Boucher Bray 84 Broach Campbell Carter

Champion Cierpiot Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Dougherty Evans

Farmer Farnen Fitzwater Foley Ford

Franklin Fritts Froelker Graham 24 Gratz

Green Gunn Hagan-Harrell Harlan Heckemeyer

Hickey Holand Hollingsworth Hosmer Johnson

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Levin Liese

Long Luetkenhaus Lumpe May 108 Mays 50

McBride McLuckie Monaco Murray O'Connor

O'Toole Overschmidt Ransdall Relford Rizzo

Scheve Schilling Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Stokan Stoll Stroker

Summers Thompson 37 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 058

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Chrismer

Crawford Dolan Elliott Enz Foster

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hall Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Howerton Kasten Kauffman

Loudon Marble McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Parker

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Robirds Sallee Schwab

Scott Secrest Smith Steen Surface

Tate Thomason 163 Townley

PRESENT: 002

Lograsso Ross

ABSENT WITH LEAVE: 010

Barry 100 Edwards-Pavia Goward Hand Hoppe

Kelley 47 Legan Linton Reynolds Shear

**HB 850** was placed on the Informal Calendar.

**HB 681**, relating to elections, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **HB 681** was ordered perfected and printed.

**HB 542**, relating to Kansas City Correctional Facility, was taken up by Representative Farnen.

On motion of Representative Farnen, **HB 542** was ordered perfected and printed.

**HCS HBs 723, 789 and 372**, relating to domestic relations, was taken up by Representative Dougherty.

Representative Hall offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 723, 789 & 372, Page 27, by adding one new section as follows:

Notwithstanding the provisions of sections 452.375 and 452.410, RSMo, to the contrary, in any court proceeding regarding the care, custody, or parenting plan of a child, the court shall not consider the fact that a child is enrolled in a home school in determining the custody or parenting plan of the child, and shall not order the custodial parent or guardian to enroll the child in a school other than the home school, unless the court specifically finds that the custodial parent or guardian has failed to provide evidence of the home schooling pursuant to section 167.031, RSMo.

On motion of Representative Hall, House Amendment No. 1 was adopted by the following vote:

AYES: 125

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Dolan Donovan Dougherty

Elliott Enz Evans Farnen Foley

Ford Foster Franklin Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hosmer Howerton

Johnson Kasten Kauffman Kennedy Kissell

Koller Kreider Lawson Leake Legan

Levin Liese Linton Lograsso Loudon

Luetkenhaus Marble May 108 McBride McClelland

Merideth Miller Monaco Murphy Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Reinhart Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Schwab Scott

Secrest Sheldon 104 Shelton 57 Shields Skaggs

Steen Stokan Stoll Summers Surface

Thomason 163 Thompson 37 Townley Treadway Troupe

Vogel Wannenmacher Williams 159 Wooten Mr. Speaker

NOES: 029

Bland Bray 84 Davis 63 Davis 122 Days

DeMarce Farmer Fitzwater Fritts Gunn

Harlan Hollingsworth Kelly 27 Lakin Mays 50

McLuckie Murray Ransdall Relford Scheve

Schilling Seigfreid Smith Stroker Tate

Van Zandt Wiggins Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Barry 100 Edwards-Pavia Goward Hand Hoppe

Kelley 47 Long Lumpe Shear

**HCS HBs 723, 789 and 372, as amended**, was laid over.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 50** - Budget (Fiscal Note)

**HB 232** - Budget (Fiscal Note)

**HB 513** - Budget (Fiscal Note)

**HB 578** - Budget (Fiscal Note)

**HCS HBs 641 & 593** - Budget (Fiscal Note)

**HB 777** - Budget (Fiscal Note)

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 19**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 652**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 318**, entitled:

An act to repeal section 34.140, RSMo 1994, relating to volunteer fire protection associations, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 520**, entitled:

An act to repeal section 37.005, RSMo Supp. 1996, relating to the leasing of surplus public property to a private or government entity, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 520, Page 1, In the Title, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 8.177 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by striking all of said line and inserting in lieu thereof the following:

"Section A. Sections 8.177 and 37.005, RSMo Supp. 1996, are repealed and two new sections enacted"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "section" and inserting in lieu thereof the following: "sections 8.177 and"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

"8.177. 1. The director of the department of public safety shall employ Missouri capitol police officers for public safety at the seat of state government. Each Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to support the constitution and laws of the United States and the state of Missouri and shall receive a certificate of appointment, a copy of which shall be filed with the secretary of state, granting such police officers all the same powers of arrest held by other police officers to maintain order and preserve the peace in all state-owned **or leased** buildings, and the grounds thereof, at the seat of government and such buildings and grounds within the county which contains the seat of government.

2. The director of the department of public safety shall appoint a sufficient number of Missouri capitol police officers, with available appropriations, as appropriated specifically for the purpose designated in this subsection, so that the capitol grounds may be patrolled at all times, and that traffic and parking upon the capitol grounds and the grounds of other state buildings **owned or leased** within the capital city and the county which contains the seat of government may be properly controlled. Missouri capitol police officers may make arrests for the violation of parking and traffic regulations promulgated by the office of administration.".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 327**, entitled:

An act to amend chapter 252, RSMo, relating to the department of conservation, by adding thereto one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 327, Page 1, Section 252.245, Line 6, by striking the word "may" and inserting in lieu thereof the following: "**shall**"; and

Further amend said bill and section, page 2, line 17, by striking the following: "or persons" and inserting in lieu thereof the following: "**performing assigned duties within the areas of hunter education, shooting ranges, nature centers and firefighting, which shall include rural firefighters, who are functioning within the scope and purpose of the designated authority and**"; and

Further amend said bill, page and section, line 23, by striking the following: "and other persons".

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, April 22, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-fifth Day, Thursday, April 17, 1997, page 1165, roll call, by showing Representative Fitzwater voting "no" rather than "absent with leave".

Page 1165, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".

Page 1166, roll call, by showing Representatives Murphy and Crawford voting "no" rather than "absent with leave".

Page 1167, roll call, by showing Representative Crawford voting "no" rather than "absent with leave".

Page 1167, roll call, by showing Representative Days voting "aye" rather than "absent with leave".

Page 1171, roll call, by showing Representative Thomason (163) voting "no" rather than "absent with leave".

Pages 1172 and 1173, roll call, by showing Representative Robirds voting "aye" rather than "absent with leave".

Pages 1174 and 1175, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Pages 1174 and 1175, roll call, by showing Representative Seigfreid voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 23, 1997, 1:30 pm. Hearing Room 9. Executive session.

To be considered - SB 6

BUDGET

Tuesday, April 22, 1997, 8:30 am. Senate committee rooms 2 and 3.

Conference committee meeting.

BUDGET

Tuesday, April 22, 1997. Hearing Room 9 upon morning adjournment.

Executive session on previously heard bills.

To be considered - HB 697, HB 578, HB 513

BUDGET

Wednesday, April 23, 1997, 8:30 am. Hearing Room 9. Conference committee meeting.

BUDGET

Wednesday, April 23, 1997, 8:00 pm. Senate committee rooms 2 and 3.

Conference committee meeting.

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 23, 1997, 8:00 am. Hearing Rooms 3 and 4.

To be considered - SB 358, Executive Session - SB 361

CIVIL AND ADMINISTRATIVE LAW

Tuesday, April 22, 1997. Side gallery upon morning adjournment. AMENDED NOTICE

To be considered - Executive Session - SB 265, Executive Session - SB 161

COMMERCE

Wednesday, April 23, 1997. Hearing room 8 upon morning adjournment.

Executive session may follow.

To be considered - SB 165

CRIMINAL LAW

Tuesday, April 22, 1997. Hearing Room 9 upon evening adjournment.

Executive session will follow.

To be considered - HB 841, SB 251

CRITICAL ISSUES

Tuesday, April 22, 1997, 9:00 am. Hearing Room 9. Executive session.

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 22, 1997, 8:30 am. Hearing Room 7.

To be considered - HB 860, HB 886, SCR 23, Executive Session - SB 187

EDUCATION - HIGHER

Wednesday, April 23, 1997, 8:30 am. Hearing Rooms 1 and 2. Executive session.

To be considered - SB 22, SB 208

ENVIRONMENT AND ENERGY

Wednesday, April 23, 1997. Hearing Room 7 upon morning adjournment.

Executive session may follow. Informational session on SB 72.

To be considered - SB 191

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, April 22, 1997, 1:30 pm. Hearing Room 4. Executive session.

PROFESSIONAL REGISTRATION & LICENSING

Tuesday, April 22, 1997, 9:00 am. Hearing Room 5.

To be considered - SB 141

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Tuesday, April 22, 1997, 5:30 pm. Hearing Room 5. Possible executive session.

AMENDED NOTICE

To be considered - SB 202

**HOUSE CALENDAR**

FIFTY- EIGHTH DAY, TUESDAY, APRIL 22, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57 - Shear

3 HCS HB 723, 789 & 372, as amended - Dougherty

4 HCS HB 508 & 145 - Stokan

5 HB 135, HCAs 1 & 2 - Dougherty

6 HB 190 - Rizzo

7 HCS HB 336 - Green

8 HCS HB 635 - Kennedy

9 HCS HB 582 - Schilling

10 HCS HB 509 - Bland

11 HCS HB 434, 624 & 676 - Long

12 HB 267 - Overschmidt

13 HCS HB 724 - Riback Wilson

14 HB 108 - Scheve

15 HB 423, HCA 1 - Backer

16 HB 848 - DeMarce

17 HCS HB 511 - Graham (24)

18 HB 497, HCA 1 - Naeger

19 HB 106 - Bland

20 HB 753 - Broach

21 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HB 811, HCA 1, HS, as amended, pending, - Lakin

9 HCS HB 436 & 260 - Treadway

10 HCS HB 282, HS, as amended, pending - Kissell

11 HCS HB 349, as amended, HS, adopted, pending - Koller

12 HB 266, as amended, - Stoll

13 HB 850 - Kelly (27)

**HOUSE BILLS FOR THIRD READING**

**1 HS HB 373, (Budget Fiscal 4-16-97) - Kreider**

**2 HCS HB 664, (Budget Fiscal 4-16-97) - Ross**

3 HB 777, (Budget Fiscal 4-21-97) - Hosmer

4 HCS HB 697, (Budget Fiscal 4-17-97) - Relford

5 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

6 HB 232, (Budget Fiscal 4-21-97) - Dougherty

7 HCS HB 641 & 593, (Budget Fiscal 4-21-97) - Fitzwater

8 HS HB 513, (Budget Fiscal 4-21-97) - Clayton

9 HB 578, (Budget Fiscal 4-21-97) - Williams (121)

10 HCS HB 459 - Shelton (57)

SENATE BILLS FOR THIRD READING - CONSENT

1 SB 242 - Fritts

2 HCS SB 375 - Hosmer

3 SB 70, E.C. - Hollingsworth

4 SB 150 - Liese

5 SB 342 - McBride

6 SB 243 - Harlan

7 SCS SB 220, HCA 1 - Smith

8 SB 197 - Smith

9 HCS SB 387, E.C. - Smith

10 SB 346 - Backer

11 SB 133 - Hosmer

12 SB 255 - Elliott

13 SB 318 - Cierpiot

14 HCS SB 148 - Liese

15 HCS SB 34 -

16 SB 155, HCA 1 - Smith

17 SB 353, HCA 1, E.C. - Crawford

18 HCS SCS SB 408 - Graham (24)

19 SCS SB 402, HCA 1 - Smith

20 HCS SB 368, E.C. - Scott

21 SB 262, HCA 1 - Treadway

22 SB 175 - Hoppe

23 HCS SCS SB 194 - Clayton

24 SB 112 - Hoppe

25 HCS SB 59 - Evans

26 SB 122 - Backer

27 SB 395 - Hoppe

28 HCS SB 58 - Summers

29 SB 371 - Hoppe

**30 HCS SB 241 - Hoppe**

**31 SCS SB 373, HCA 1 - Barry**

**(April 16, 1997)**

**32 SB 69, HCA 1 - Ransdall**

**33 SB 410 - Wiggins**

**34 HCS SCS SB 316 - Hoppe**

**35 SB 437 - Hoppe**

**36 HCS SCS SB 104 - Legan**

**BILLS IN CONFERENCE**

**1 SCS HCS HB 2 - Franklin**

**2 SCS HCS HB 3, as amended, - Franklin**

**3 SCS HCS HB 4 - Green**

**4 SCS HCS HB 5, as amended, - Green**

**5 SCS HCS HB 6, as amended, - Tate**

**6 SCS HCS HB 7, as amended, - Tate**

**7 SCS HCS HB 8, as amended, - Franklin**

**8 SCS HCS HB 9, as amended, - Lakin**

**9 SCS HCS HB 10 - Carter**

**10 SCS HCS HB 11 - Lakin**

**11 SCS HCS HB 12, as amended, - Green/Franklin**

**HOUSE CONCURRENT RESOLUTIONS**

**HCR 21, (4-14-97 pgs. 1066 & 1067) - Gunn**

**HCR 24, (4-10-97 pgs. 1032 & 1033) - Rizzo**

**HCR 27, (4-16-97 pg. 1152) - Backer**

**HCR 28, HCA 1 (4-9-97 pgs. 1000 & 1001) - Cooper**

**HCR 29, (4-10-97 pgs. 1031 & 1032) - Koller**

**HOUSE RESOLUTIONS**

**HR 69, (2-5-97, pg. 258) - Hosmer**

**HR 124, (2-5-97, pg. 259) - Liese**

**HR 147, (2-19-97 pg. 355) - Backer**

**HR 497, (4-16-97 pgs 1153 & 1154) - DeMarce**

**HR 345, (4-16-97 pg. 1153) - Gratz**

**HR 409, (4-9-97 pgs. 999 & 1000) - Smith**

**HR 329, (4-16-97 pg. 1153) - Crawford**

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-EIGHTH DAY, Tuesday, April 22, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Representative Kelly Parker.

This morning I read from the book of Proverbs, Chapter 29, Verse 18:

*"Where there is no vision the people perish; but he that keepeth the law, happy is he."*

Let us pray...

Dear Heavenly Father, we are here today to do the work of the people of the Great State of Missouri. It is this work, over which we ask your divine guidance and blessing.

Help us, Heavenly Father, develop a **positive** vision for the people of this great state.

Give us the fortitude and perseverance to transform our vision of the future into laws to effect that vision.

And most importantly, give us the endowment to keep the law of God as we make the law of man. For this, in itself, is a vision we should endeavor to impart to those we represent. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Kristy Elkins, Ashley Savarino, Kalen Ponche, Kimberly Freant, Danielle Trueb, Elysha Kachevas, Sarah Wallingsford, Angela Chall, Jeffrey Endraske, Christopher Hoff, Mandy Moscal, Elizabeth Alexander, Mark Fierst, Monica Kahmann, Kelly Rodgers, Bart Ringer, Evan Rosen, Robert Schwartz, Trish Svendsen, Billy Donigan, Katie Mattli, Kayla Riggs, Tony Wahl, James Kerr, Marc Hachmeister, Jessica O'Neill, Erin Jolly, Zachary Long, Matthew Vivian, Kaitlyn Vivian, Brian Werner, Brian Heying, Joe Becnel and Katy Buehler.

The Journal of the fifty-seventh day was approved as corrected.

**RESOLUTIONS**

Representative Marble offered House Resolution No. 727, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Seigfreid offered House Resolution No. 728, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kauffman offered House Resolution Nos. 729 and 730, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Ross and Hall offered House Resolution No. 731, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 150

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Daniel 42 Davis 63 Davis 122 DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farmer Farnen Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 013

Barry 100 Bray 84 Crump Daniels 41 Days

Edwards-Pavia Fitzwater Goward Hand Johnson

Reinhart Shear Thompson 37

**THIRD READING OF SENATE BILLS - CONSENT**

**HCS SB 375**, relating to Missouri uniform securities, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HCS SB 375** was adopted.

On motion of Representative Hosmer, **HCS SB 375** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Barry 100 Bray 84 Crump Edwards-Pavia Goward
Hand Johnson Shear Wiggins

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative O'Connor, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**SB 70**, relating to humanities council trust fund, was taken up by Representative Hollingsworth.

On motion of Representative Hollingsworth, **SB 70** was truly agreed to and finally passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford

Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Donovan Dougherty Elliott Enz
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Heckemeyer Hegeman
Hendrickson Hickey Hollingsworth Hoppe Hosmer
Howerton Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 004

Hartzler 124 Hohulin Murphy Nordwald

PRESENT: 000

ABSENT WITH LEAVE: 013

Barry 100 Bray 84 Crump Dolan Edwards-Pavia
Evans Goward Hand Holand Johnson
Kasten Lumpe Shear

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 107

Auer Ballard Bartelsmeyer Bland Bonner
Boucher Burton Campbell Carter Champion
Cierpiot Cooper Copeland Crawford Daniels 41
Davis 63 Davis 122 Days DeMarce Dougherty
Elliott Farnen Fitzwater Foley Ford
Foster Franklin Fritts Gaskill Gibbons
Graham 24 Graham 106 Gratz Griesheimer Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Heckemeyer
Hegeman Hollingsworth Hoppe Hosmer Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Legan
Levin Liese Long Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Monaco Murray Naeger O'Connor
O'Toole Ostmann Overschmidt Parker Pouche
Pryor Ransdall Reinhart Relford Reynolds
Richardson Robirds Ross Sallee Scheve
Schilling Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Smith Stoll Stroker
Summers Surface Tate Thomason 163 Treadway
Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Wooten

NOES: 030

Akin Alter Backer Barnett 4 Bennett 15
Berkstresser Boatright Broach Dolan Enz
Evans Froelker Gaston Gross Hartzler 124
Hendrickson Hohulin Howerton Linton Lograsso
Loudon Miller Murphy Nordwald Patek
Purgason Ridgeway Steen Townley Wannenmacher

PRESENT: 001

Bauer

ABSENT WITH LEAVE: 025

Barry 100 Bray 84 Chrismer Clayton Crump
Daniel 42 Donovan Edwards-Pavia Farmer Goward

Green Hand Hickey Holand Johnson

Leake Luetkenhaus Rizzo Schwab Shear

Skaggs Stokan Thompson 37 Troupe Mr. Speaker

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**SB 150**, relating to prepaid dental plans, was taken up by Representative Liese.

On motion of Representative Liese, **SB 150** was truly agreed to and finally passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Barry 100 Bray 84 Crump Edwards-Pavia Gibbons
Goward Hand Harlan Johnson Lumpe
Murphy Shear Vogel

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**SB 342**, relating to groundwater protection fund, was taken up by Representative McBride.

On motion of Representative McBride, **SB 342** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Bray 84 Crump Edwards-Pavia Goward
Gross Hand Johnson Linton Murphy
Patek Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Davis (122), title to the bill was agreed to.

Representative Daniel (42) moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**SB 243**, relating to arbitration agreements, was taken up by Representative Harlan.

On motion of Representative Harlan, **SB 243** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Copeland Crawford Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Boatright Bray 84 Cooper Crump

Edwards-Pavia Goward Hand Johnson Murphy
Shear Smith

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**SB 197**, relating to corporations, was taken up by Representative Smith.

On motion of Representative Smith, **SB 197** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Bray 84 Crump Edwards-Pavia Ford
Goward Hand Hohulin Johnson Murphy
Shear Steen

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Graham (24) moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 387**, relating to partition sales, was taken up by Representative Smith.

On motion of Representative Smith, **HCS SB 387** was adopted.

On motion of Representative Smith, **HCS SB 387** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Broach Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hosmer Howerton Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Lakin
Lawson Leake Legan Levin Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bennett 15 Bray 84 Burton Crump
Edwards-Pavia Goward Graham 24 Hand Hoppe
Johnson Kreider Liese Murphy Pouche
Shear

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 140

Alter Auer Backer Ballard Barnett 4
Bartelsmeyer Bauer Berkstresser Bland Bonner
Boucher Broach Burton Campbell Carter
Champion Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Akin Boatright Chrismer Gaston Hohulin
Lograsso Steen

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bennett 15 Bray 84 Days Edwards-Pavia
Ford Goward Gross Hand Johnson
Legan Merideth Murphy Purgason Shear
Wiggins

On motion of Representative Kelly (27), title to the bill was agreed to.

Representative Hoppe moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 220, with House Committee Amendment No. 1**, relating to child labor, was taken up by Representative Smith.

On motion of Representative Smith, House Committee Amendment No. 1 was adopted.

On motion of Representative Smith, **SCS SB 220, as amended,** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 122 Days DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kauffman Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 001

Boucher

ABSENT WITH LEAVE: 011

Barry 100 Bray 84 Daniels 41 Davis 63 Edwards-Pavia
Goward Hand Johnson Kelly 27 Murphy
Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**SB 346**, relating to student financial assistance program, was taken up by Representative Backer.

On motion of Representative Backer, **SB 346** was truly agreed to and finally passed by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard
Bauer Bennett 15 Bland Boatright Bonner
Boucher Broach Burton Campbell Carter
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Ford Foster Franklin Fritts Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Bartelsmeyer Berkstresser Champion Hartzler 124 Ridgeway

PRESENT: 001

McLuckie

ABSENT WITH LEAVE: 012

Barnett 4 Barry 100 Bray 84 Daniels 41 Dolan
Edwards-Pavia Foley Froelker Goward Hand
Johnson Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative Luetkenhaus moved that motion lay on the table.

The latter motion prevailed.

**SB 133**, relating to emergency telephone numbers, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **SB 133** was truly agreed to and finally passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bennett 15 Berkstresser Boatright
Bonner Boucher Broach Burton Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Fritts Froelker Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 002

Bauer Bland

PRESENT: 000

ABSENT WITH LEAVE: 013

Barry 100 Bray 84 Daniels 41 Edwards-Pavia Ford
Franklin Gaskill Goward Hand Harlan
Johnson Murphy Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative May (108), title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

**SB 255**, relating to sheriffs' retirement system, was taken up by Representative Elliott.

On motion of Representative Elliott, **SB 255** was truly agreed to and finally passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Fritts Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Kasten Kauffman Kelley 47 Kelly 27
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Froelker

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bennett 15 Bray 84 Daniels 41 Edwards-Pavia
Ford Franklin Goward Hand Harlan
Johnson Kennedy Monaco Murphy Shear
Stoll

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SB 318**, relating to conveyance of property in Jackson County, was taken up by Representative Cierpiot.

On motion of Representative Cierpiot, **SB 318** was truly agreed to and finally passed by the following vote:

AYES: 139

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Davis 63 Davis 122 DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farmer Farnen Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hosmer Howerton Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Williams 121 Williams 159 Wooten Mr. Speaker

NOES: 010

Boucher Days Fitzwater Graham 24 Hollingsworth

Leake Sallee Stroker Wiggins Wilson

PRESENT: 000

ABSENT WITH LEAVE: 014

Barry 100 Bray 84 Daniels 41 Edwards-Pavia Ford

Goward Hand Harlan Hoppe Johnson

Lumpe Murphy Pouche Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 148**, relating to escrow accounts, was taken up by Representative Liese.

On motion of Representative Liese, **HCS SB 148** was adopted.

On motion of Representative Liese, **HCS SB 148** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Daniel 42
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Bennett 15 Bray 84 Crump Daniels 41

Edwards-Pavia Enz Ford Goward Hand

Harlan Johnson Murphy Shear Stoll

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Seigfreid, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Stroker moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 34**, relating to conveyance of property in McDonald and Cole counties, was taken up by Representative Gaskill.

Representative Gaskill offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 34, Page 2, Section 1, Line 41, by deleting "**MG-05**" and inserting in lieu thereof the following: "**MC-05**"; and

Further amend said bill, Page 2, Section 1, Line 58, by deleting "**MG-05**" and inserting in lieu thereof the following: "**MC-05**".

On motion of Representative Gaskill, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Gaskill, **HCS SB 34, as amended,** was adopted.

On motion of Representative Gaskill, **HCS SB 34, as amended,** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Kasten Kauffman Kelley 47

Kelly 27 Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bray 84 Daniels 41 Edwards-Pavia Enz

Ford Goward Hand Harlan Hohulin

Johnson Kennedy Murphy Shear Smith

Steen

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Sheldon (104) moved that the vote by which the bill passed be reconsidered.

Representative Shelton (57) moved that motion lay on the table.

The latter motion prevailed.

**SB 155, with House Committee Amendment No. 1**, relating to tourism tax, was taken up by Representative Smith.

On motion of Representative Smith, House Committee Amendment No. 1 was adopted.

On motion of Representative Smith, **SB 155, as amended,** was read the third time and passed by the following vote:

AYES: 145

Alter Auer Backer Ballard Barnett 4

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Clayton

Cooper Copeland Crawford Daniel 42 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Akin Cierpiot Gibbons Hall Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 013

Barry 100 Bray 84 Crump Daniels 41 Edwards-Pavia

Ford Goward Hand Harlan Johnson

Legan Lograsso Shear

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Williams (121) moved that motion lay on the table.

The latter motion prevailed.

**SB 353, with House Committee Amendment No. 1**, relating to tourism tax, was taken up by Representative Crawford.

On motion of Representative Crawford, House Committee Amendment No. 1 was adopted.

On motion of Representative Crawford, **SB 353, as amended,** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Cierpiot

Clayton Cooper Copeland Crawford Crump

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Howerton Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Barry 100 Bray 84 Chrismer Daniel 42 Daniels 41

Edwards-Pavia Ford Goward Hand Harlan

Hosmer Johnson Murphy Shear

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 128

Akin Alter Backer Ballard Barnett 4

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Broach Burton Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Daniel 42 Davis 122 DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farnen Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Holand Hollingsworth
Howerton Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Kreider Lakin Lawson
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Marble May 108
Mays 50 McBride McClelland Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Schwab Scott
Secrest Seigfreid Sheldon 104 Shields Skaggs
Smith Steen Stokan Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Troupe Vogel Wannenmacher Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 023

Auer Boucher Campbell Davis 63 Days
Farmer Fitzwater Green Hickey Hohulin
Hoppe Koller Leake Lumpe McLuckie
Reynolds Scheve Schilling Shelton 57 Stoll
Treadway Van Zandt Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Bray 84 Copeland Crump Daniels 41
Edwards-Pavia Goward Hand Harlan Hosmer
Johnson Shear

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE CHANGES**

The Speaker submitted the following Committee changes.

Representative Merideth has been appointed a member of the Agri-Business, Federal-State Relations and Veterans Affairs, Public Health and Safety, and Correctional and State Institutions Committees.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Shelly Reed, Josh Milson, Andrea Brown, Jared Kaelin, Joe Lincoln, Clay Lincoln, Sam Tatiersky, Natasa Netriova, Olga Luehanskaya, Lauren Buerk and Beth Tobin.

**RESOLUTIONS**

Representative Fritts offered House Resolution Nos. 732 through 734, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Stokan offered House Resolution No. 735, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution Nos. 737 through 739, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Robirds offered House Resolution No. 740, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HS HB 373 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 652**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 262** and **HB 542**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**THIRD READING OF SENATE BILLS - CONSENT**

**HCS SCS SB 408**, relating to energy savings contracts, was taken up by Representative Graham (24).

On motion of Representative Graham (24), **HCS SCS SB 408** was adopted.

On motion of Representative Graham (24), **HCS SCS SB 408** was read the third time and passed by the following vote:

AYES: 139

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Purgason
Ransdall Reinhart Relford Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Van Zandt Vogel Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Cooper Pryor

PRESENT: 000

ABSENT WITH LEAVE: 022

Barry 100 Bauer Bennett 15 Berkstresser Bland
Bray 84 DeMarce Edwards-Pavia Fitzwater Ford
Goward Hand Loudon Reynolds Shear
Smith Thompson 37 Townley Treadway Troupe

Wannenmacher Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 402, with House Committee Amendment No. 1**, relating to home health podiatric care, was taken up by Representative Smith.

On motion of Representative Smith, House Committee Amendment No. 1 was adopted.

On motion of Representative Smith, **SCS SB 402, as amended,** was read the third time and passed by the following vote:

AYES: 140

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dougherty Elliott Enz Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Surface Tate Thomason 163
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 006

Clayton Evans Hohulin Lograsso Scheve
Summers

PRESENT: 000

ABSENT WITH LEAVE: 017

Barry 100 Bland Bray 84 Dolan Donovan
Edwards-Pavia Ford Goward Hand Holand
Long Loudon Miller Shear Thompson 37
Townley Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 368**, relating to delinquent property taxes, was taken up by Representative Scott.

On motion of Representative Scott, **HCS SB 368** was adopted.

On motion of Representative Scott, **HCS SB 368** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Bland Bray 84 Edwards-Pavia Ford

Goward Hand Loudon Shear Thompson 37

Townley Troupe

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Levin Liese Linton
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 006

Hohulin Legan Lograsso Merideth Monaco
Scheve

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100 Bray 84 Edwards-Pavia Ford Goward
Hand Shear Thompson 37 Townley Troupe

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**SB 262, with House Committee Amendment No. 1**, relating to cosmetologists, was taken up by Representative Treadway.

Representative Treadway offered House Perfecting Amendment No. 1 to House Committee Amendment No. 1.

*House Perfecting Amendment No. 1*

*to*

*House Committee Amendment No. 1*

AMEND House Committee Amendment No. 1 to Senate Bill No. 262, Page 1095 of the House Journal, 11 lines from the bottom of the page, by inserting after said line the following: "Further amend said section, line 26, by inserting immediately after the word "hundred" the following "fifty".

On motion of Treadway, House Perfecting Amendment No. 1 to House Committee Amendment No. 1 was adopted.

On motion of Representative Treadway, House Committee Amendment No. 1, as amended, was adopted.

On motion of Representative Treadway, **SB 262, as amended,** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Leake

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Bray 84 Champion Chrismer Edwards-Pavia

Ford Goward Hand Lawson Legan

Ross Shear Thompson 37 Troupe Wiggins

Speaker Gaw declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**SB 242**, relating to Wolfner Library Trust Fund, was taken up by Representative Fritts.

On motion of Representative Fritts, **SB 242** was truly agreed to and finally passed by the following vote:

AYES: 143

Akin Alter Auer Backer Ballard

Barnett 4 Bauer Bennett 15 Berkstresser Bland

Bonner Boucher Broach Burton Campbell

Carter Champion Chrismer Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Foster
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Koller Kreider Lakin Leake Legan
Levin Liese Linton Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 004

Boatright Gross Hall Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 016

Barry 100 Bartelsmeyer Bray 84 Cierpiot Edwards-Pavia
Ford Franklin Goward Hand Kissell
Lawson Lograsso Scheve Shear Thompson 37
Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**RECONSIDERATION**

Representative Backer, having voted on the prevailing side, moved that the vote by which **the emergency clause on SB 70** was defeated on Third Reading - Consent, be reconsidered.

Which motion was adopted by the following vote:

AYES: 129

Auer Backer Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Gaskill

Gaston Graham 24 Graham 106 Green Griesheimer

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Levin Liese Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Sallee Scheve Schilling Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 019

Akin Alter Ballard Barnett 4 Bennett 15
Froelker Gibbons Hartzler 124 Hohulin Lograsso
Loudon Naeger Nordwald Patek Ridgeway
Ross Schwab Townley Wooten

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Bray 84 Campbell Edwards-Pavia Ford
Goward Gratz Gross Hand Kelly 27
Legan Linton Shear Thompson 37 Troupe

On motion of Representative Hollingsworth the emergency clause was adopted by the following vote:

AYES: 140

Akin Auer Backer Ballard Bartelsmeyer
Bauer Bennett 15 Berkstresser Bland Boatright
Bonner Boucher Broach Burton Campbell
Carter Champion Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foley Franklin
Fritts Froelker Gaskill Gibbons Graham 24
Graham 106 Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Long
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 012

Alter Barnett 4 Chrismer Foster Gaston
Hohulin Lograsso Loudon Patek Richardson
Ridgeway Townley

PRESENT: 000

ABSENT WITH LEAVE: 011

Barry 100 Bray 84 Edwards-Pavia Ford Goward
Gratz Hand Linton Shear Thompson 37
Troupe

**THIRD READING OF SENATE BILLS - CONSENT**

**SB 175**, relating to public water supply districts, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **SB 175** was truly agreed to and finally passed by the following vote:

AYES: 146

Akin Alter Backer Ballard Barnett 4
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Franklin Fritts Froelker Gaston Gibbons
Graham 24 Graham 106 Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Auer Barry 100 Bray 84 Crawford Edwards-Pavia

Ford Foster Gaskill Goward Gratz

Hand Lakin Pryor Sallee Shear

Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 194**, relating to county employees' retirement system, was taken up by Representative Clayton.

On motion of Representative Clayton, **HCS SCS SB 194** was adopted.

On motion of Representative Clayton, **HCS SCS SB 194** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Bauer Bennett 15 Bland Boatright
Bonner Boucher Broach Burton Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 DeMarce Donovan
Dougherty Elliott Enz Evans Farmer
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 004

Bartelsmeyer Berkstresser Dolan Farnen

ABSENT WITH LEAVE: 011

Barry 100 Bray 84 Days Edwards-Pavia Ford

Goward Hand Robirds Shear Thompson 37
Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

**SB 112**, relating to city zoning, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **SB 112** was truly agreed to and finally passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Bartelsmeyer Bray 84 Edwards-Pavia Ford

Goward Hand Mays 50 Murphy Nordwald

Shear Stoll Thompson 37 Troupe Wiggins

Speaker Gaw declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 59**, relating to motor vehicles, was taken up by Representative Evans.

On motion of Representative Evans, **HCS SB 59** was adopted.

On motion of Representative Evans, **HCS SB 59** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Foley

Foster Franklin Fritts Froelker Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Fitzwater Kauffman

PRESENT: 000

ABSENT WITH LEAVE: 012

Barry 100 Bartelsmeyer Bray 84 Edwards-Pavia Ford
Gaskill Goward Hand Levin Shear
Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**SB 122**, relating to planning and zoning, was taken up by Representative Backer.

On motion of Representative Backer, **SB 122** was truly agreed to and finally passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Boatright
Bonner Boucher Broach Burton Campbell
Carter Champion Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Dougherty Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Barry 100 Berkstresser Bland Bray 84 Chrismer
Donovan Edwards-Pavia Ford Goward Hand
Levin Shear Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**SB 395**, relating to elected officials, was taken up by Representative Ross.

On motion of Representative Ross, **SB 395** was truly agreed to and finally passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Graham 24 Graham 106
Gratz Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Fitzwater Green Seigfreid

PRESENT: 000

ABSENT WITH LEAVE: 011

Barry 100 Bray 84 Edwards-Pavia Gibbons Goward

Hand Harlan Merideth Shear Thompson 37

Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 58**, relating to cemeteries, was taken up by Representative Summers.

On motion of Representative Summers, **HCS SB 58** was adopted.

On motion of Representative Summers, **HCS SB 58** was read the third time and passed by the following vote:

AYES: 151

Alter Auer Backer Ballard Barnett 4

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foster Franklin Fritts Froelker Gaskill

Gaston Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Akin Barry 100 Bray 84 Edwards-Pavia Foley

Ford Gibbons Goward Hand Shear

Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

Representative Luetkenhaus assumed the Chair.

**SB 371**, relating to road districts, was taken up by Representative Skaggs.

On motion of Representative Skaggs, **SB 371** was truly agreed to and finally passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kennedy Kissell
Koller Kreider Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Barry 100 Bennett 15 Bray 84 Edwards-Pavia Ford

Gibbons Goward Hand Kelly 27 Lakin

Lawson Shear Steen Troupe

Representative Luetkenhaus declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**HCS SB 241**, relating to county government, was taken up by Representative Hosmer.

Representative Hosmer offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 241, Page 5, Section 137.555, by deleting the words "**two counties**" and inserting in lieu thereof the words "**one county of the first classification and one county**".

On motion of Representative Hosmer, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Hosmer, **HCS SB 241, as amended,** was adopted.

On motion of Representative Hosmer, **HCS SB 241, as amended,** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Berkstresser Bland

Boatright Bonner Boucher Broach Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stroker Summers Surface
Tate Thomason 163 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Bennett 15 Bray 84 Burton Edwards-Pavia
Ford Goward Hand Kelly 27 Kennedy
Linton Shear Stoll Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**SCS SB 373, with House Committee Amendment No. 1**, relating to home health licenses, was taken up by Representative Kennedy.

**SCS SB 373, with House Committee Amendment No. 1, pending,** was laid over.

**RECONSIDERATION**

Representative Days, having voted on the prevailing side, moved that the vote by which **HB 215** was defeated on Third Reading, be reconsidered.

Which motion was adopted by the following vote:

AYES: 082

Auer Backer Bauer Bland Boucher

Bray 84 Campbell Carter Clayton Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Dougherty Farmer

Farnen Fitzwater Foley Franklin Fritts

Graham 24 Gratz Green Gunn Hagan-Harrell

Harlan Heckemeyer Hickey Hollingsworth Hosmer

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Luetkenhaus

Lumpe May 108 Mays 50 McBride McLuckie

Merideth Monaco Murray O'Connor O'Toole

Overschmidt Parker Purgason Ransdall Relford

Reynolds Rizzo Scheve Schilling Seigfreid

Sheldon 104 Shelton 57 Skaggs Smith Stokan

Stoll Stroker Tate Thomason 163 Thompson 37

Treadway Van Zandt Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 073

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Dolan Elliott Enz Evans

Foster Froelker Gaskill Gaston Gibbons

Graham 106 Griesheimer Gross Hall Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Hoppe Howerton Kasten Kauffman Kelley 47

Legan Levin Linton Lograsso Long

Loudon Marble McClelland Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Reinhart Richardson Ridgeway Robirds

Ross Sallee Schwab Scott Secrest

Shields Steen Summers Surface Townley

Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Barry 100 Edwards-Pavia Ford Goward Hand

Johnson Shear Troupe

**HB 215** was placed on the Informal Calendar for Third Reading.

**HOUSE CONCURRENT RESOLUTIONS**

**HCR 21**, relating to capitol space, was taken up by Representative Green.

On motion of Representative Green, **HCR 21** was adopted.

**HCR 24**, relating to rising cost of natural gas, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HCR 24** was adopted.

**HCR 27**, relating to University of Missouri budget request, was taken up by Representative Backer.

On motion of Representative Backer, **HCR 27** was adopted.

**HCR 28, with House Committee Amendment No. 1**, relating to Amtrack allowing bikes, was taken up by Representative Cooper.

On motion of Representative Cooper, House Committee Amendment No. 1 was adopted.

On motion of Representative Cooper, **HCR 28, as amended,** was adopted.

**HCR 29**, relating to intermodal transportation system, was taken up by Representative Koller.

On motion of Representative Koller, **HCR 29** was adopted.

**THIRD READING OF HOUSE BILL**

**HS HB 373**, relating to school building revolving fund, was taken up by Representative Kreider.

On motion of Representative Kreider, **HS HB 373** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Auer Backer Barnett 4

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Bonner Boucher Bray Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 009

Ballard Boatright Hall Hendrickson Hohulin

Linton Loudon McClelland Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100 Edwards-Pavia Ford Goward Green

Hand Shear Thompson 37 Treadway Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Stoll moved that motion lay on the table.

The latter motion prevailed.

**PERFECTION OF HOUSE BILL - INFORMAL**

**HB 811, with House Committee Amendment No. 1 and HS, as amended, pending,** relating to Healthy Missouri Children Corporation, was again taken up by Representative Lakin.

Representative Scheve offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 811, Page 3, Section 3, Lines 9-10, by deleting said lines and inserting in lieu thereof the following:

"**(a) Any person of childbearing years or older shall not be eligible to participate in the program; and**"

Representative Lakin offered House Substitute Amendment No. 1 for House Amendment

No. 6.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 811, Page 3, Section 3, Lines 9-10, by deleting said lines and inserting in lieu thereof the following:

"**(a) Any person thirteen years of age or older shall not be eligible to participate in the program; and**"

House Substitute Amendment No. 1 for House Amendment No. 6 was withdrawn.

Representative Gratz offered House Substitute Amendment No. 1 for House Amendment

No. 6.

*House Substitute Amendment No.1*

*for*

*House Amendment No. 6*

AMEND House Substitute for House Bill No. 811, Page 9, Section 6, Line 9, by adding after said line and section the following:

The healthy Missouri children corporation shall not provide or allocate funds for abortion or abortion-related services.

Representative Akin raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 6 is not a true substitute amendment.

The Chair ruled the point of order not well taken.

On motion of Representative Gratz, House Substitute Amendment No. 1 for House Amendment No. 6 was adopted by the following vote:

AYES: 143

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 122 DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Foster Franklin Fritts

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wooten Mr. Speaker

NOES: 012

Bland Bray 84 Carter Davis 63 Days

Farmer Froelker Shear Skaggs Thompson 37

Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 008

Barry 100 Edwards-Pavia Ford Goward Hand

Kauffman Lograsso Troupe

Representative Kissell offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Bill No. 811, Page 6, Section 4.1, Line 8, by deleting all of said subsection and inserting in lieu thereof the following:

"**Section 4. 1. The Healthy Missouri Children Corporation shall operate subject to the supervision and approval of a board of directors, one member of which shall be appointed by the Speaker of the House of Representatives, one member of which shall be appointed by the President Pro Tem of the Senate. The Director of the Department of Health, the Director of the Department of Insurance, the Director of the Department of Social Services, the Commissioner of Education and the Director of the Department of Mental Health shall also serve on the Board.**

Representative Luetkenhaus offered House Substitute Amendment No. 1 for House Amendment No. 7.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 7*

AMEND House Substitute for House Bill No. 811, Page 6, Section 4.1, Line 8, by deleting all of said subsection and inserting in lieu thereof the following:

"Section 4.1. The Healthy Missouri Children Corporation shall operate subject to the supervision and approval of a board of directors, three members of which shall be appointed by the Speaker of the House of Representatives, made up of no more than two members of one political party. Three members of which shall be appointed by the President Pro Tem of the Senate, made up of no more than two members of one political party. The Director of the Department of Health, the Director of the Department of Insurance, the Director of the Department of Social Services, the Commissioner of Education and the Director of the Department of Mental Health shall also serve on the Board.

On motion of Representative Luetkenhaus, House Substitute Amendment No. 1 for House Amendment No. 7 was adopted.

Representative Backer moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Auer Backer Bauer Bland Bonner

Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Donovan Dougherty
Farmer Farnen Fitzwater Foley Franklin
Fritts Graham 24 Gratz Green Gunn
Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth
Hoppe Hosmer Johnson Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Liese Luetkenhaus Lumpe May 108
Mays 50 McBride McLuckie Merideth Monaco
Murray O'Connor O'Toole Overschmidt Parker
Ransdall Relford Reynolds Rizzo Scheve
Schilling Seigfreid Shear Sheldon 104 Shelton 57
Skaggs Smith Stokan Stoll Stroker
Tate Thomason 163 Thompson 37 Treadway Van Zandt
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 068

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Elliott Enz Evans Foster
Froelker Gaskill Gaston Gibbons Graham 106
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Holand Howerton
Kasten Kelley 47 Legan Levin Linton
Loudon Marble McClelland Miller Murphy
Naeger Nordwald Ostmann Patek Pouche
Purgason Reinhart Richardson Ridgeway Robirds
Ross Sallee Schwab Scott Secrest
Shields Steen Summers Surface Townley
Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100 Edwards-Pavia Ford Goward Hand
Kauffman Lograsso Long Pryor Troupe

On motion of Representative Lakin, **HS HB 811, as amended,** was adopted by the following vote:

AYES: 081

Auer Backer Bauer Bland Bonner
Boucher Bray 84 Campbell Carter Clayton
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dougherty Farmer
Farnen Fitzwater Foley Franklin Fritts
Graham 24 Gratz Green Gunn Hagan-Harrell
Harlan Heckemeyer Hickey Hollingsworth Hoppe
Hosmer Johnson Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Liese Luetkenhaus Lumpe May 108 Mays 50
McBride McLuckie Monaco Murray O'Connor
O'Toole Overschmidt Parker Ransdall Relford
Reynolds Rizzo Scheve Schilling Seigfreid
Shelton 57 Skaggs Smith Stokan Stoll
Stroker Tate Thomason 163 Thompson 37 Treadway
Van Zandt Wiggins Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 073

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Donovan Elliott Enz Evans
Foster Froelker Gaskill Gaston Gibbons
Graham 106 Griesheimer Gross Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Holand
Howerton Kasten Kelley 47 Legan Levin
Linton Long Loudon Marble McClelland
Merideth Miller Murphy Naeger Nordwald
Ostmann Patek Pouche Pryor Purgason
Reinhart Richardson Ridgeway Robirds Ross
Sallee Schwab Scott Secrest Sheldon 104
Shields Steen Summers Surface Townley
Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 009

Barry 100 Edwards-Pavia Ford Goward Hand

Kauffman Lograsso Shear Troupe

Representative Scheve requested verification of the Roll Call on adoption of **HS HB 811, as amended.**

Representative Backer moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Auer Backer Bauer Bland Bonner
Boucher Bray 84 Campbell Carter Clayton
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dougherty Farmer
Farnen Fitzwater Foley Franklin Fritts
Graham 24 Gratz Green Gunn Hagan-Harrell
Harlan Heckemeyer Hickey Hollingsworth Hoppe
Hosmer Johnson Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Liese Luetkenhaus Lumpe May 108 Mays 50
McBride McLuckie Merideth Monaco Murray
O'Connor O'Toole Overschmidt Parker Ransdall
Relford Reynolds Rizzo Scheve Schilling
Seigfreid Shear Sheldon 104 Shelton 57 Skaggs
Smith Stokan Stoll Stroker Tate
Thomason 163 Thompson 37 Treadway Van Zandt Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 070

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Donovan Elliott Enz Evans
Foster Froelker Gaskill Gaston Gibbons
Graham 106 Griesheimer Gross Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Holand
Howerton Kasten Kelley 47 Legan Levin
Linton Long Loudon Marble McClelland
Miller Murphy Naeger Nordwald Ostmann
Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Robirds Ross Sallee

Schwab Scott Secrest Shields Steen

Summers Surface Townley Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 009

Barry 100 Edwards-Pavia Ford Goward Hand

Kauffman Lograsso Troupe Wooten

Representative Kelley (47) requested verification of the Roll Call on the previous question.

On motion of Representative Lakin, **HS HB 811, as amended,** was ordered perfected and printed by the following vote:

AYES: 086

Auer Backer Bauer Bland Bonner

Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Donovan Dougherty

Farmer Farnen Fitzwater Foley Franklin

Fritts Graham 24 Gratz Green Gunn

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Levin Liese Luetkenhaus Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Monaco Murray O'Connor O'Toole Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Scheve Schilling Seigfreid Shear Shelton 57

Skaggs Smith Stokan Stoll Stroker

Tate Thomason 163 Thompson 37 Treadway Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 067

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Cooper Crawford

Dolan Elliott Enz Evans Foster

Froelker Gaskill Gaston Gibbons Graham 106

Griesheimer Gross Hall Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 Legan Long Loudon

Marble Merideth Miller Murphy Naeger

Nordwald Ostmann Patek Pouche Pryor

Purgason Reinhart Richardson Ridgeway Robirds

Ross Sallee Schwab Scott Secrest

Sheldon 104 Shields Steen Summers Surface

Townley Vogel

PRESENT: 000

ABSENT WITH LEAVE: 010

Barry 100 Edwards-Pavia Ford Goward Hand

Kauffman Linton Lograsso Troupe Wooten

Representative Hohulin requested verification of the Roll Call on perfection of **HS HB 811, as amended**.

**SIGNING OF SENATE BILL**

All other business of the House was suspended while **SB 310** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 179**, and has again taken up and passed **SB 179 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SB 164**, and has taken up and passed **HCS SB 164**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SB 309**, and has taken up and passed **HCS SB 309**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS for SB 389**, and has taken up and passed **HCS SB 389**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 31**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 762**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 633**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken

up and passed **HB 41**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 709**, entitled:

An act to repeal section 249.422, RSMo Supp. 1996, relating to publicly owned sewer treatment works, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 95**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 609**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 689**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 651**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 566**, entitled:

An act relating to school bus drivers, with penalty provisions and an effective date.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 566, Page 1, In the Title, Line 2, by deleting the following: "and an effective date"; and

Further amend said bill, Page 2, Section A, Line 1, by deleting all of said section.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 125**, entitled:

An act to repeal section 85.541, RSMo 1994, relating to certain municipal police departments, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 125, Page 1, Section 85.541, Line 8, by inserting after the word "of" the following: "**not less than three, but**".

In which the concurrence of the House is respectfully requested.

**COMMITTEE REPORTS**

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **SB 216**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 216, Page 1, Section 262.260, Lines 1 to 9, by deleting all of said lines and inserting in lieu thereof the following:

"262.260. The commission shall establish admission fees to be charged at the gates of the fairgrounds for adults and children over the age of six years and for vehicles and stock driven in the grounds. The admission fee for adults and children over the age of six years shall be determined by the commission, but shall not exceed [four] **six** dollars. [The commission shall not increase the fee by more than fifty cents per calendar year above the fee charged during the previous calendar year.] No fee shall be charged for children of the age of six years or younger. The admission fees, revenues from the sale of privileges and".

**Committee on Banks and Financial Institutions**, Chairman Copeland reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 128**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 176**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 240**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 299**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 340**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 19**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SS SB 121**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SB 161**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SCS SB 265**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 89**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SB 218**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SS SB 367**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SB 24**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SB 264**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Federal-State Relations and Veterans Affairs**, Chairman Boucher reporting:

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **SCR 17**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Federal-State Relations and Veterans Affairs, to which was referred **SB 261**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SCS SB 56**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 142**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 169**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 170**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SB 29**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SB 459**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **SS SB 97**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 67**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 67, Page 3, Section 238.362, Line 9, by inserting immediately after the word "but" the following: "**not**".

**REFERRAL OF HOUSE RESOLUTIONS**

The following House Resolutions were referred to the Committee indicated:

**HR 548** - Children, Youth and Family

**HR 621** - Miscellaneous Bills and Resolutions

**HR 725** - Miscellaneous Bills and Resolutions

**REFERRAL OF HOUSE CONCURRENT RESOLUTION**

The following House Concurrent Resolution was referred to the Committee indicated:

**HCR 32** - Environment and Energy

**REFERRAL OF SENATE JOINT RESOLUTION**

The following Senate Joint Resolution was referred to the Committee indicated:

**SCS SJR 14** - Civil and Administrative Law

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 20** - Judiciary

**SCS SB 21** - Local Government and Related Matters

**SCS SB 79** - Agri-Business

**SS SB 173** - Judiciary

**SS SCS SB 345** - Ways and Means

**SB 298** - Retirement

**SS SB 432** - Local Government and Related Matters

**SCS SBs 49, 213, 130, 32, 235 & 221** - Correctional and State Institutions

**SB 449** - Banks and Financial Institutions

**SCS SBs 457 & 458** - Ways and Means

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a. m., Wednesday, April 23, 1997.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-seventh Day, Monday, April 21, 1997, page 1198, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Page 1200, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Page 1201, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Pages 1202 and 1203, roll call, by showing Representative May (108) voting "aye" rather than "absent with leave".

Pages 1204 and 1205, roll call, by showing Representative Gaskill voting "no" rather than "absent with leave".

Page 1209, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 1214 and 1215, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".

Page 1216, roll call, by showing Representatives Barnett (4), Luetkenhaus and Fitzwater voting "aye" rather than "absent with leave".

Page 1218, roll call, by showing Representatives Kreider and Davis (122) voting "aye" rather than "absent with leave".

Page 1220, roll call, by showing Representatives Bennett (15), Franklin and Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1220 and 1221, roll call, by showing Representatives Luetkenhaus and Levin voting "aye" rather than "absent with leave".

Pages 1221 and 1222, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 1222 and 1223, roll call, by showing Representatives Fitzwater and Purgason voting "aye" rather than "absent with leave".

Pages 1226 and 1227, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

## COMMITTEE MEETINGS

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 23, 1997, 1:30 pm. Hearing Room 9. Executive session.

To be considered - SB 6

BUDGET

Wednesday, April 23, 1997, 8:30 am. Hearing Room 9. Conference committee meeting.

BUDGET

Wednesday, April 23, 1997, 8:00 pm. Senate committee rooms 2 and 3.

Conference committee meeting.

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 23, 1997, 8:00 am. Hearing Rooms 3 and 4.

To be considered - SB 358, Executive Session - SB 361

COMMERCE

Wednesday, April 23, 1997. Hearing room 8 upon morning adjournment.

Executive session may follow. AMENDED NOTICE

To be considered - SB 165, SB 105

EDUCATION - HIGHER

Wednesday, April 23, 1997, 8:30 am. Hearing Rooms 1 and 2. Executive session.

To be considered - SB 22, SB 208

ENVIRONMENT AND ENERGY

Wednesday, April 23, 1997. Hearing Room 7 upon morning adjournment.

Executive session may follow. Informational session on SB 72.

To be considered - SB 191

UTILITIES REGULATION

Thursday, April 24, 1997, 8:00 am. Hearing Room 5. Executive session.

**HOUSE CALENDAR**

FIFTY-NINTH DAY, WEDNESDAY, APRIL 23, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57 - Shear

3 HCS HB 723, 789 & 372, as amended, - Dougherty

4 HCS HB 508 & 145 - Stokan

5 HB 135, HCAs 1 & 2 - Dougherty

6 HB 190 - Rizzo

7 HCS HB 336 - Green

8 HCS HB 635 - Kennedy

9 HCS HB 582 - Schilling

10 HCS HB 509 - Bland

11 HCS HB 434, 624 & 676 - Long

12 HB 267 - Overschmidt

13 HCS HB 724 - Riback Wilson

14 HB 108 - Scheve

15 HB 423, HCA 1 - Backer

16 HB 848 - DeMarce

17 HCS HB 511 - Graham (24)

18 HB 497, HCA 1 - Naeger

19 HB 106 - Bland

20 HB 753 - Broach

21 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HCS HB 282, HS, as amended, pending - Kissell

10 HCS HB 349, as amended, HS, adopted, pending - Koller

11 HB 266, as amended, - Stoll

12 HB 850 - Kelly (27)

**HOUSE BILLS FOR THIRD READING**

1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross

2 HB 777, (Budget Fiscal 4-21-97) - Hosmer

3 HCS HB 697, (Budget Fiscal 4-17-97) - Relford

4 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

5 HB 232, (Budget Fiscal 4-21-97) - Dougherty

6 HCS HB 641 & 593, (Budget Fiscal 4-21-97) - Fitzwater

7 HS HB 513, (Budget Fiscal 4-21-97) - Clayton

8 HB 578, (Budget Fiscal 4-21-97) - Williams (121)

9 HCS HB 459 - Shelton (57)

10 HB 262 - Murray

11 HB 681 - Fitzwater

12 HB 542, E.C. - Farnen

**HOUSE BILL FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

**SENATE BILLS FOR THIRD READING - CONSENT**

SCS SB 373, HCA 1, pending - Barry

SB 69, HCA 1 - Ransdall

SB 410 - Wiggins

HCS SCS SB 316 - Hoppe

SB 437 - Hoppe

HCS SCS SB 104 - Legan

**HOUSE BILLS WITH SENATE AMENDMENTS**

HB 327, SCA 1 - McBride

HB 520, SCA 1 - Green

SCS HB 318 - Clayton

HB 125, SCA 1 - Heckemeyer

HB 566, SCA 1 - Treadway

SCS HB 709, E.C. - Foley

**BILLS IN CONFERENCE**

SCS HCS HB 2 - Franklin

SCS HCS HB 3, as amended, - Franklin

SCS HCS HB 4 - Green

SCS HCS HB 5, as amended, - Green

SCS HCS HB 6, as amended, - Tate

SCS HCS HB 7, as amended, - Tate

SCS HCS HB 8, as amended, - Franklin

SCS HCS HB 9, as amended, - Lakin

SCS HCS HB 10 - Carter

SCS HCS HB 11 - Lakin

SCS HCS HB 12, as amended, - Green/Franklin

**HOUSE RESOLUTIONS**

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 497, (4-16-97 pgs 1153 & 1154) - DeMarce

HR 345, (4-16-97 pg. 1153) - Gratz

HR 409, (4-9-97 pgs. 999 & 1000) - Smith

HR 329, (4-16-97 pg. 1153) - Crawford

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# House Journal

## First Regular Session, 89th General Assembly

FIFTY-NINTH DAY, Wednesday, April 23, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

O Lord of Justice and Right, as we come into these halls this morning, we are aware of events that have occupied the media - the Oklahoma City Bombing Trial, and now the events in Lima, Peru. There is a mixture of emotions - do we applaud the success while people have died? Or do we condemn the violence even though the hostages were freed? Sometimes the answers just aren't so black and white.

O Gracious One, help these representatives as they work today to be aware of the significance of the actions they pursue. Let them think carefully about the lives their legislation will affect. Most of all, guide them with wisdom that they might ultimately trust in You in all that they do. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Darryl Bird, David Burke, Amber England, Jamala Garmon, Darrel Haynes, Thomas Holley, Cobret Joe, Deidra King, Adrian Liggins, Deron Moore, Adam Schafer, Garmeisha Terry, Tinesha Warren, Tamika Wiseman, Christina Wolford, Tyler Borgfield, Max Brand, Matthew Cowan, Georgia Cowson, Alexis DePree, Kylena Fleming, Chele Ford, Megan Hempstead, Victoria Idom, Equilla Jones, Anthony McGuinn, Adrion Moore, Terrance Smith, Heather Dennis, Danny Wise, Andrea George, Jodi Anderson, Andrienne Cunningham, Betty Theas, Justien Tignor, Joel Lewis, Megan McKinzie, Sarah Hamilton, Crystal Bennett, Ashley Riley, Andrew Berry, Lauren Brown, Matthew Price, Danelle Bierman, Jack Fries, Steve Procter, Nat Defenbaugh, Shannon Crader, Audrey Williams, Suzanne Johnson, Dennis Hartsell, George Henggeler, Brandi Wilmes, Julie Blair, David Klamm, Lacie Mires, Katie Owens, Michelle Page, Lacey Dowell, Bryan Kuhler, and Nicholas Schnetzler.

The Journal of the fifty-eighth day was approved as corrected.

**RESOLUTIONS**

Representative Kennedy offered House Resolution No. 741, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 742, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution No. 743, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 744, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McLuckie offered House Resolution No. 745, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McClelland offered House Resolution Nos. 746 and 747, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 31, HB 41, HB 356, HB 633 & HB 762**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 681**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Van Zandt

NOES: 000

PRESENT: 142

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Farmer Farnen Fitzwater

Foster Franklin Fritts Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shields

Skaggs Smith Steen Stoll Stroker

Summers Tate Thomason 163 Treadway Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 020

Cierpiot Crump Edwards-Pavia Evans Foley

Ford Froelker Goward Hand Harlan

Hohulin Johnson Lawson Monaco Shelton 57

Stokan Surface Thompson 37 Townley Troupe

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 327, with Senate Committee Amendment No. 1**, relating to conservation volunteers, was taken up by Representative McBride.

Representative McBride moved that the House refuse to concur in Senate Committee Amendment No. 1 to **HB 327** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HB 125, with Senate Committee Amendment No. 1**, relating to merit system police departments, was taken up by Representative Heckemeyer.

On motion of Representative Heckemeyer, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 148

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Enz Evans Farmer Farnen Fitzwater

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Boucher Edwards-Pavia Elliott Foley

Ford Goward Hand Harlan Kelly 27

Leake Legan Robirds Troupe

On motion of Representative Heckemeyer, **HB 125, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Elliott Enz Evans
Farmer Farnen Fitzwater Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 McBride McClelland
McLuckie Merideth Miller Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 011

Edwards-Pavia Foley Ford Goward Hand

Harlan Mays 50 Monaco Patek Robirds

Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**HB 566, with Senate Committee Amendment No. 1**, relating to school bus drivers, was taken up by Representative Treadway.

On motion of Representative Treadway, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Champion Dougherty Edwards-Pavia Ford Goward

Hand Harlan Holand Murray Troupe

Williams 121

On motion of Representative Treadway, **HB 566, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Edwards-Pavia Ford Goward Hand Harlan
Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Davis (63) moved that the vote by which the bill passed be reconsidered.

Representative Davis (122) moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 709**, relating to sewage treatment, was taken up by Representative Foley.

On motion of Representative Foley, **SCS HB 709** was adopted by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Broach Murphy

PRESENT: 000

ABSENT WITH LEAVE: 008

Dougherty Edwards-Pavia Ford Goward Hagan-Harrell

Hand Ridgeway Troupe

On motion of Representative Foley, **SCS HB 709** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 002

Broach Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Edwards-Pavia Ford Goward Hand

Lakin Linton Patek Reinhart Troupe

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 135

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Bray 84 Burton Campbell Carter
Champion Chrismer Clayton Cooper Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Gaskill Graham 24 Graham 106 Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Levin Liese Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Secrest Seigfreid Sheldon 104 Shelton 57
Shields Skaggs Smith Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 014

Akin Bartelsmeyer Berkstresser Boatright Broach
Cierpiot Froelker Gaston Hegeman Hohulin
Lograsso Murphy Schwab Steen

PRESENT: 000

ABSENT WITH LEAVE: 014

Crawford Edwards-Pavia Ford Gibbons Goward

Gratz Hand Legan Linton Scott

Shear Troupe Van Zandt Williams 121

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HB 520, with Senate Committee Amendment No. 1**, relating to surplus property, was taken up by Representative Green.

On motion of Green, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 095

Auer Backer Barry 100 Bauer Bennett 15

Bland Bonner Boucher Campbell Carter

Clayton Cooper Copeland Crump Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Elliott Farnen Fitzwater

Foley Graham 24 Gratz Green Griesheimer

Gunn Harlan Heckemeyer Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Liese Luetkenhaus Lumpe May 108

Mays 50 McBride Monaco Murphy Murray

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Sallee Scheve Scott Seigfreid Shear

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Summers Tate Thomason 163 Thompson 37

Townley Treadway Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 062

Akin Alter Ballard Barnett 4 Bartelsmeyer
Berkstresser Boatright Bray 84 Broach Burton
Champion Chrismer Cierpiot Crawford Daniel 42
Enz Evans Farmer Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 106 Gross Hagan-Harrell Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Kauffman
Levin Linton Lograsso Loudon Marble
McClelland McLuckie Merideth Miller Naeger
Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Robirds Ross Schilling
Schwab Secrest Sheldon 104 Shields Steen
Surface Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 006

Edwards-Pavia Ford Goward Hand Long
Troupe

On motion of Representative Green, **HB 520, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Bray 84
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 003

Boatright Hall Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 012

Champion Davis 63 Edwards-Pavia Ford Goward

Hand Holand Kennedy Liese Miller

Pryor Troupe

Speaker Gaw declared the bill passed.

On motion of Representative O'Toole, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

Representative Relford assumed the Chair.

**THIRD READING OF HOUSE BILL**

**HB 262**, relating to municipal fire departments, was taken up by Representative Murray.

Representative Murray moved that **HB 262** be third read and finally passed.

Which motion was defeated by the following vote:

AYES: 069

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Carter Champion
Clayton Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Farmer
Fitzwater Franklin Fritts Graham 24 Green
Gunn Hagan-Harrell Harlan Hickey Hollingsworth
Hoppe Hosmer Johnson Kelly 27 Kennedy
Kissell Kreider Lawson Levin Liese
Luetkenhaus Lumpe May 108 Mays 50 McLuckie
Monaco Murray O'Connor O'Toole Reynolds
Rizzo Scheve Schilling Shear Sheldon 104
Shelton 57 Skaggs Stokan Stoll Stroker
Thompson 37 Treadway Van Zandt Wannenmacher Wiggins
Williams 121 Wilson Wooten Mr. Speaker

NOES: 085

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Campbell Chrismer Cierpiot Cooper Copeland
Crawford Dolan Elliott Enz Evans
Farnen Foley Foster Froelker Gaskill
Gaston Gibbons Graham 106 Gratz Griesheimer
Gross Hall Hartzler 123 Hartzler 124 Hegeman
Hendrickson Hohulin Holand Howerton Kasten
Kauffman Kelley 47 Koller Lakin Legan
Linton Lograsso Long Loudon Marble
McClelland Merideth Miller Murphy Naeger
Nordwald Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Robirds Ross
Sallee Schwab Scott Secrest Seigfreid
Shields Smith Steen Summers Surface
Tate Thomason 163 Townley Vogel Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniel 42 Edwards-Pavia Ford Goward Hand

Heckemeyer Leake McBride Troupe

Speaker Gaw resumed the Chair.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

**The hour of recess having expired, the House was called to order by Speaker Gaw.**

**The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Mathew Coffelt, Simon Hile, Joe Keeler, Cole Noble, Justin Sullard, Erica Blakeman, Natalie Casteel, Eric Boudreau, Abby Howell and Zach Morley.**

**RESOLUTIONS**

**Representative Gross offered House Resolution No. 748, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Williams (121) offered House Resolution Nos. 749 and 750, which were referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Kauffman offered House Resolution Nos. 751 and 752, which were referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Backer offered House Resolution Nos. 753 and 754, which were referred to the Committee on Miscellaneous Bills and Resolutions.**

**THIRD READING OF HOUSE BILLS**

**Representative Clayton assumed the Chair.**

**HCS HB 459, relating to motor vehicle fee offices, was taken up by Representative Shelton (57).**

**On motion of Representative Shelton (57), HCS HB 459 was read the third time and passed by the following vote:**

**AYES: 091**

**Alter Backer Ballard Barnett 4 Bartelsmeyer**

**Bauer Bland Boucher Bray 84 Campbell**

**Carter Clayton Copeland Crump Daniels 41**

**Davis 63 Davis 122 Days DeMarce Dolan**

**Farmer Farnen Fitzwater Foley Franklin**

**Fritts Froelker Gaskill Gibbons Graham 24**

**Gratz Griesheimer Gunn Hagan-Harrell Hartzler 123**

**Heckemeyer Hendrickson Hickey Hollingsworth Johnson**

**Kauffman Kelly 27 Kennedy Kreider Lakin**

Lawson Leake Legan Liese Linton

Long Luetkenhaus Lumpe May 108 Mays 50

McBride McLuckie Miller Murray Naeger

Nordwald O'Toole Ostmann Overschmidt Parker

Ransdall Relford Reynolds Robirds Scheve

Schilling Secrest Seigfreid Shear Sheldon 104

Shelton 57 Stokan Stoll Stroker Summers

Tate Thomason 163 Thompson 37 Townley Treadway

Van Zandt Wiggins Williams 121 Wilson Wooten

Mr. Speaker

NOES: 055

Akin Bennett 15 Berkstresser Boatright Bonner

Broach Burton Champion Chrismer Cierpiot

Cooper Crawford Donovan Elliott Enz

Evans Foster Gaston Graham 106 Green

Gross Hall Hartzler 124 Hegeman Hohulin

Holand Hoppe Howerton Kasten Kelley 47

Kissell Levin Lograsso Loudon Marble

McClelland Merideth Murphy Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Ross Sallee Schwab Scott Shields

Smith Steen Surface Wannenmacher Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 017

Auer Barry 100 Daniel 42 Dougherty Edwards-Pavia

Ford Goward Hand Harlan Hosmer

Koller Monaco O'Connor Rizzo Skaggs

Troupe Vogel

Representative Clayton declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 681, relating to elections, was taken up by Representative Fitzwater.**

**On motion of Representative Fitzwater, HB 681 was read the third time and passed by the following vote:**

**AYES: 088**

**Auer Backer Barry 100 Bauer Bland**
**Bonner Boucher Bray 84 Campbell Carter**
**Clayton Copeland Crump Daniel 42 Daniels 41**
**Davis 63 Davis 122 Days DeMarce Dougherty**
**Farmer Farnen Fitzwater Foley Franklin**
**Fritts Graham 24 Gratz Green Gunn**
**Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hendrickson**
**Hickey Holand Hollingsworth Hoppe Hosmer**
**Johnson Kauffman Kelly 27 Kennedy Kissell**
**Koller Kreider Lakin Lawson Leake**
**Liese Luetkenhaus Lumpe May 108 Mays 50**
**McBride McLuckie Merideth Monaco Murray**
**O'Toole Overschmidt Parker Ransdall Relford**
**Reynolds Rizzo Scheve Schilling Seigfreid**
**Shear Sheldon 104 Shelton 57 Smith Stokan**
**Stoll Stroker Tate Thomason 163 Treadway**
**Van Zandt Wannenmacher Wiggins Williams 121 Williams 159**
**Wilson Wooten Mr. Speaker**

**NOES: 064**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**
**Bennett 15 Berkstresser Boatright Broach Burton**
**Chrismer Cierpiot Cooper Crawford Dolan**
**Donovan Elliott Enz Evans Foster**
**Froelker Gaskill Gaston Gibbons Graham 106**
**Griesheimer Gross Hall Hartzler 124 Hegeman**
**Hohulin Howerton Kasten Kelley 47 Legan**
**Levin Linton Lograsso Long Loudon**
**Marble McClelland Miller Murphy Naeger**
**Nordwald Ostmann Patek Pouche Pryor**
**Purgason Reinhart Richardson Robirds Ross**
**Sallee Schwab Scott Secrest Shields**
**Steen Summers Surface Townley**

**PRESENT: 000**

**ABSENT WITH LEAVE: 011**

**Champion Edwards-Pavia Ford Goward Hand**
**O'Connor Ridgeway Skaggs Thompson 37 Troupe**
**Vogel**

**Representative Clayton declared the bill passed.**

**On motion of Representative Franklin, title to the bill was agreed to.**

**Representative Farnen moved that the vote by which the bill passed be reconsidered.**

**Representative Foley moved that motion lay on the table.**

**The latter motion prevailed.**

**Representative May (108) assumed the Chair.**

**HB 542, relating to Kansas City Correctional Facility, was taken up by Representative Farnen.**

**On motion of Representative Farnen, HB 542 was read the third time and passed by the following vote:**

**AYES: 151**

**Akin Alter Auer Backer Ballard**
**Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser**
**Bland Boatright Bonner Boucher Bray 84**
**Broach Burton Campbell Carter Chrismer**
**Cierpiot Clayton Cooper Copeland Crawford**
**Crump Daniel 42 Daniels 41 Davis 63 Davis 122**
**Days DeMarce Dolan Donovan Dougherty**
**Elliott Enz Evans Farmer Farnen**
**Fitzwater Foley Foster Franklin Fritts**
**Froelker Gaskill Gaston Gibbons Graham 24**
**Graham 106 Gratz Green Griesheimer Gross**
**Gunn Hagan-Harrell Hall Harlan Hartzler 123**
**Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey**
**Holand Hollingsworth Hoppe Hosmer Howerton**
**Johnson Kasten Kauffman Kelley 47 Kelly 27**
**Kennedy Kissell Koller Kreider Lakin**
**Lawson Leake Legan Levin Liese**
**Linton Lograsso Long Loudon Luetkenhaus**
**Lumpe May 108 Mays 50 McBride McClelland**

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Wannenmacher Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 003

Hohulin Marble Steen

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartelsmeyer Champion Edwards-Pavia Ford Goward

Hand Troupe Vogel Wiggins

Representative May (108) declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 103

Alter Backer Barnett 4 Barry 100 Bauer

Bland Boucher Bray 84 Broach Burton

Campbell Carter Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Franklin Fritts Gaskill Graham 24

Graham 106 Gratz Green Griesheimer Gross

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hoppe

Hosmer Johnson Kasten Kauffman Kelley 47

Kelly 27 Kissell Lakin Lawson Leake

Legan Levin Liese Long Luetkenhaus

Lumpe May 108 Mays 50 McClelland McLuckie

Merideth Miller Murphy Murray Naeger

O'Connor O'Toole Ostmann Patek Ransdall

Relford Reynolds Robirds Ross Sallee

Scheve Schilling Secrest Shear Shelton 57

Shields Skaggs Smith Stoll Stroker

Summers Surface Townley Treadway Van Zandt

Williams 121 Wilson Mr. Speaker

NOES: 047

Akin Auer Ballard Bartelsmeyer Bennett 15

Berkstresser Boatright Bonner Champion Chrismer

Cierpiot Daniels 41 Dougherty Foster Froelker

Gaston Gibbons Gunn Howerton Kennedy

Kreider Linton Lograsso Loudon Marble

McBride Monaco Nordwald Overschmidt Parker

Pouche Pryor Purgason Reinhart Ridgeway

Rizzo Schwab Scott Seigfreid Sheldon 104

Steen Stokan Tate Thompson 37 Wannenmacher

Williams 159 Wooten

PRESENT: 002

Hollingsworth Thomason 163

ABSENT WITH LEAVE: 011

Edwards-Pavia Ford Goward Hand Harlan

Hohulin Koller Richardson Troupe Vogel

Wiggins

On motion of Representative Farmer, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider assumed the Chair.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HB 318, relating to volunteer fire protection associations, was taken up by Representative Clayton.

**Representative Clayton moved that the House refuse to adopt SCS HB 318 and request the Senate to recede from its position or, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences.**

**Representative Shields made a substitute motion that the House refuse to adopt SCS HB 318 and request the Senate to recede from its position or, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences only in Section 321.300.**

**Which motion was adopted.**

**THIRD READING OF SENATE BILLS - CONSENT**

**SB 69, with House Committtee Amendment No. 1, relating to special license plates, was taken up by Representative Ransdall.**

**On motion of Representative Ransdall, House Committee Amendment No. 1 was adopted.**

**On motion of Representative Ransdall, SB 69, as amended, was read the third time and passed by the following vote:**

**AYES: 150**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15**

**Berkstresser Bland Boatright Bonner Boucher**

**Broach Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Copeland**

**Crawford Crump Daniel 42 Daniels 41 Davis 63**

**Davis 122 Days DeMarce Dolan Donovan**

**Elliott Enz Evans Farmer Farnen**

**Fitzwater Foley Foster Franklin Fritts**

**Froelker Gaskill Gaston Gibbons Graham 24**

**Graham 106 Gratz Green Griesheimer Gross**

**Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124**

**Heckemeyer Hegeman Hendrickson Hickey Hohulin**

**Holand Hollingsworth Hoppe Hosmer Howerton**

**Johnson Kasten Kauffman Kelley 47 Kelly 27**

**Kennedy Kissell Koller Kreider Lakin**

**Lawson Leake Legan Levin Liese**

**Linton Lograsso Long Luetkenhaus Lumpe**

**Marble May 108 Mays 50 McBride McClelland**

**Merideth Miller Monaco Murphy Murray**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reinhart Relford Reynolds**

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bray 84 Dougherty Edwards-Pavia Ford Goward

Hand Harlan Loudon McLuckie Stoll

Thompson 37 Troupe Vogel

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bauer, title to the bill was agreed to.

Representative O'Connor moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

SB 410, relating to wheelchair lemon law, was taken up by Representative Wiggins.

On motion of Representative Wiggins, SB 410 was truly agreed to and finally passed by the following vote:

AYES: 146

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Elliott

Enz Evans Farmer Farnen Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hohulin Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Tate

Thomason 163 Townley Treadway Van Zandt Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 002

Akin Gratz

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84 Dougherty Edwards-Pavia Fitzwater Ford

Goward Hand Harlan Heckemeyer Holand

Loudon Surface Thompson 37 Troupe Vogel

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Daniels (41), title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

HCS SCS SB 316, relating to property tax, was taken up by Representative Hoppe.

**On motion of Representative Hoppe, HCS SCS SB 316 was adopted.**

**On motion of Representative Hoppe, HCS SCS SB 316 was read the third time and passed by the following vote:**

**AYES: 142**

**Akin Alter Backer Ballard Barnett 4**

**Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser**

**Bland Bonner Boucher Broach Burton**

**Campbell Carter Champion Chrismer Cierpiot**

**Clayton Cooper Copeland Crump Daniel 42**

**Daniels 41 Davis 63 Davis 122 Days DeMarce**

**Dolan Donovan Dougherty Elliott Enz**

**Evans Farmer Farnen Fitzwater Foley**

**Foster Franklin Fritts Gaskill Gibbons**

**Graham 24 Graham 106 Gratz Green Griesheimer**

**Gunn Hagan-Harrell Hall Harlan Hartzler 123**

**Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey**

**Hollingsworth Hoppe Howerton Johnson Kasten**

**Kauffman Kelley 47 Kelly 27 Kennedy Kissell**

**Koller Kreider Lakin Lawson Leake**

**Legan Levin Liese Lograsso Long**

**Loudon Luetkenhaus Lumpe Marble May 108**

**Mays 50 McBride McClelland McLuckie Merideth**

**Miller Monaco Murray Naeger Nordwald**

**O'Connor O'Toole Ostmann Overschmidt Patek**

**Pouche Pryor Purgason Ransdall Reinhart**

**Relford Reynolds Richardson Ridgeway Rizzo**

**Robirds Ross Sallee Scheve Schilling**

**Schwab Scott Secrest Seigfreid Shear**

**Sheldon 104 Shelton 57 Shields Skaggs Smith**

**Stokan Stoll Stroker Summers Surface**

**Tate Thomason 163 Thompson 37 Townley Treadway**

**Van Zandt Wannenmacher Williams 121 Williams 159 Wilson**

**Wooten Mr. Speaker**

**NOES: 008**

**Boatright Crawford Froelker Gaston Gross**

**Hohulin Linton Murphy**

**PRESENT: 000**

**ABSENT WITH LEAVE: 013**

**Auer Bray 84 Edwards-Pavia Ford Goward**

**Hand Holand Hosmer Parker Steen**

**Troupe Vogel Wiggins**

**Speaker Pro Tem Kreider declared the bill passed.**

**On motion of Representative Dougherty, title to the bill was agreed to.**

**Representative Monaco moved that the vote by which the bill passed be reconsidered.**

**Representative Overschmidt moved that motion lay on the table.**

**The latter motion prevailed.**

**SB 437, relating to public works contracts, was taken up by Representative Hoppe.**

**Representative Lograsso raised a point of order that according to Rule 115 the Riverfront Times photographer should not be on the side gallery.**

**The Chair ruled the point of order not well taken.**

**Representative Hohulin moved to suspend Rule 65 (e) to offer an amendment to SB 437.**

**Representative Crump requested a division of the question.**

**PART I**

**Suspension of Rule 65 (e).**

**PART II**

**Offering of an amendment to SB 437.**

**Representative Hohulin moved that Rule 65 (e) be suspended.**

**Which motion was defeated by the following vote:**

**AYES: 056**

**Akin Alter Ballard Barnett 4 Bennett 15**

**Berkstresser Boatright Broach Burton Chrismer**

**Cierpiot Crawford Dolan Elliott Enz**

**Evans Foster Froelker Gaskill Gaston**

**Gibbons Gross Hall Hartzler 124 Hegeman**

Hendrickson Hohulin Holand Howerton Kasten
Leake Levin Linton Lograsso Long
Loudon Marble Miller Murphy Naeger
Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Sallee Schwab Scott
Secrest Shields Steen Summers Surface
Wannenmacher

NOES: 097

Auer Backer Barry 100 Bartelsmeyer Bauer
Bland Bonner Boucher Campbell Carter
Champion Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Donovan Farmer Farnen Fitzwater
Foley Franklin Fritts Graham 24 Graham 106
Gratz Green Griesheimer Gunn Hagan-Harrell
Hartzler 123 Heckemeyer Hickey Hollingsworth Hoppe
Hosmer Johnson Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Legan Liese Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland Merideth
Monaco Murray Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Ransdall Relford
Reynolds Rizzo Robirds Ross Scheve
Schilling Seigfreid Shear Sheldon 104 Shelton 57
Skaggs Smith Stokan Stoll Stroker
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Bray 84 Dougherty Edwards-Pavia Ford Goward
Hand Harlan McLuckie Troupe Vogel

On motion of Representative Hoppe, SB 437 was truly agreed to and finally passed by the following vote:

AYES: 144

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Treadway Van Zandt Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 010

Ballard Boatright Crawford Gross Hohulin

Holand Purgason Scott Steen Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Edwards-Pavia Ford Goward Hand

Harlan Lakin Troupe Vogel

**Speaker Pro Tem Kreider declared the bill passed.**

**On motion of Representative McBride, title to the bill was agreed to.**

**Representative Lumpe moved that the vote by which the bill passed be reconsidered.**

**Representative Liese moved that motion lay on the table.**

**The latter motion prevailed.**

**SCS SB 373, with House Committee Amendment No. 1, relating to home health licenses, was taken up by Representative Kennedy.**

**On motion of Representative Kennedy, House Committee Amendment No. 1 was adopted.**

**On motion of Representative Kennedy, SCS SB 373, as amended, was read the third time and passed by the following vote:**

**AYES: 152**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15**

**Berkstresser Bland Boatright Bonner Boucher**

**Broach Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Copeland**

**Crawford Crump Daniel 42 Daniels 41 Davis 63**

**Davis 122 Days DeMarce Dolan Donovan**

**Dougherty Elliott Enz Evans Farmer**

**Farnen Fitzwater Foley Foster Franklin**

**Fritts Froelker Gaskill Gaston Gibbons**

**Graham 24 Graham 106 Gratz Green Griesheimer**

**Gross Gunn Hagan-Harrell Hall Harlan**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**

**Hickey Holand Hollingsworth Hoppe Hosmer**

**Howerton Johnson Kasten Kauffman Kelley 47**

**Kelly 27 Kennedy Kissell Koller Kreider**

**Lawson Leake Legan Liese Linton**

**Lograsso Long Loudon Luetkenhaus Lumpe**

**Marble May 108 Mays 50 McBride McClelland**

**McLuckie Merideth Miller Monaco Murray**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reinhart Relford Reynolds**

**Richardson Ridgeway Rizzo Robirds Ross**

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Bray 84 Edwards-Pavia Ford Goward Hand

Lakin Levin Troupe Vogel

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Stokan moved that the vote by which the bill passed be reconsidered.

Representative Stoll moved that motion lay on the table.

The latter motion prevailed.

HCS SCS SB 104, relating to hospital districts, was taken up by Representative Legan.

Representative Legan offered House Perfecting Amendment No. 1.

*House Perfecting Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 104, Page 1, Section 206.110, Line 2 by deleting the words "the [county" and inserting in lieu thereof the words "[the county".

On motion of Representative Legan, House Perfecting Amendment No. 1 was adopted.

On motion of Representative Legan, HCS SCS SB 104, as amended, was adopted.

On motion of Representative Legan, HCS SCS SB 104, as amended, was read the third time and passed by the following vote:

AYES: 140

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foster Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Legan Levin Liese Linton

Lograsso Long Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Monaco Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Van Zandt Wannenmacher

Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 008

Foley Hickey Hohulin Miller Murphy

Murray Pouche Smith

PRESENT: 000

ABSENT WITH LEAVE: 015

Auer Bray 84 Edwards-Pavia Farmer Ford

Franklin Goward Hand Harlan Leake

Loudon Scheve Troupe Vogel Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 266, as amended, relating to interior designers, was again taken up by Representative Stoll.

On motion of Representative Stoll, HB 266, as amended, was ordered perfected and printed by the following vote:

AYES: 088

Alter Backer Barnett 4 Bartelsmeyer Bauer
Bennett 15 Bonner Broach Burton Champion
Chrismer Copeland Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Evans Farnen Fitzwater Foley Franklin
Fritts Gibbons Graham 24 Graham 106 Green
Gunn Hall Harlan Hartzler 124 Heckemeyer
Hickey Holand Hollingsworth Hoppe Johnson
Kasten Kelly 27 Kissell Kreider Lakin
Lawson Legan Levin Liese Loudon
Luetkenhaus Lumpe May 108 McBride Merideth
Miller Monaco Murray Naeger O'Connor
O'Toole Overschmidt Patek Pouche Purgason
Reynolds Richardson Ridgeway Rizzo Robirds
Schwab Secrest Shear Sheldon 104 Shelton 57
Skaggs Stokan Stoll Stroker Summers
Surface Thomason 163 Townley Treadway Van Zandt
Wiggins Wooten Mr. Speaker

NOES: 062

Akin Auer Ballard Barry 100 Berkstresser
Bland Boatright Boucher Campbell Carter
Cierpiot Clayton Cooper Crawford Crump
Daniels 41 Elliott Enz Farmer Foster
Froelker Gaskill Gaston Gratz Griesheimer

**Gross Hagan-Harrell Hartzler 123 Hegeman Hendrickson**

**Hohulin Hosmer Howerton Kauffman Kelley 47**

**Kennedy Koller Linton Long Marble**

**Mays 50 McClelland McLuckie Nordwald Ostmann**

**Parker Pryor Ransdall Reinhart Relford**

**Ross Sallee Schilling Scott Seigfreid**

**Shields Smith Steen Tate Wannenmacher**

**Williams 159 Wilson**

**PRESENT: 000**

**ABSENT WITH LEAVE: 013**

**Bray 84 Edwards-Pavia Ford Goward Hand**

**Leake Lograsso Murphy Scheve Thompson 37**

**Troupe Vogel Williams 121**

**HCS HB 282, with HS, as amended, pending, relating to peace officers, was again taken up by Representative Kissell.**

**Representative Burton offered House Amendment No. 3.**

***House Amendment No. 3***

**AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 6, Section 590.500, Line 15, by changing the word fifteen to seven**

**On motion of Representative Burton, House Amendment No. 3 was adopted.**

**Representative Crump offered House Amendment No. 4.**

***House Amendment No. 4***

**AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 1, Section 57.201, Line 6 of said page, by inserting before all of said line the following:**

**"43.150. 1. After a probation period of one year the members of the patrol shall be subject to removal, suspension of more than three days or reduction in rank only for cause after a formal charge has been filed in writing before or by the superintendent and upon a finding by a majority of a board of five members [appointed by the superintendent] randomly selected from troops or divisions other than that of the accused. The board shall be composed of [one captain, one lieutenant, one sergeant, one patrolman, and one other member of the patrol,] members of the same rank as or lower than the accused member, [if there is a member of equivalent rank] one of whom shall be elected by the board as chair. Within thirty days after the petition is filed, the board shall conduct a hearing and report to the superintendent the finding by the majority of the board, whether the charges are true and if sufficiently serious to warrant [removal] the discipline recommended by the superintendent. All lawful rules, regulations, and orders of the superintendent shall be obeyed by the members of the patrol who shall be subject to dismissal as provided or to [such lighter punishment as] suspension not to exceed thirty days, fine, or reduction in rank [, forfeiture of pay or otherwise] as the superintendent may adjudge. Nothing in this section shall be construed to prevent nondisciplinary transfers of members if the superintendent determines that such transfers are for the good of the patrol. No hearing shall be required in the case of reprimands or suspensions of three days or less which may be imposed at the discretion of the superintendent.**

**2. Any action by the superintendent which could remove, demote or suspend a member shall include notice of the basis for such action and the member shall, upon written request, be provided a copy of any investigation reports and any other written or recorded information or other evidence reviewed by the superintendent or any other person relating to the circumstances upon which the action is based. The superintendent may withhold from the affected member the identity of confidential informants if such disclosure would adversely affect other investigations being currently conducted.**

**3. Any member who, after a hearing, is removed, demoted or suspended for more than three days may appeal in writing to the personnel advisory board within thirty days after the effective date of such punishment. The board shall conduct a de novo hearing pursuant to sections 36.390 to 36.410, RSMo, and approve, disapprove or modify the order of discipline by decreasing its severity, and make other appropriate orders allowed pursuant to sections 36.390 to 36.410, RSMo."; and**

**Further amend said bill by amending the title and enacting clause accordingly.**

**On motion of Representative Crump, House Amendment No. 4 was adopted.**

**Representative Hegeman offered House Amendment No. 5.**

***House Amendment No. 5***

**AMEND House Substitute for House Committee Substitute for House Bill No. 282 , Page 5, Section 57.251, Line 8, by inserting after all of said line, the following:**

**"[57.290. 1. Except as provided in subsection 2 of this section, sheriffs, county marshals or other officers shall be allowed fees for their services in criminal cases and for all proceedings for contempt or attachment as follows:**

**For serving and returning each capias, for each**

**defendant $ 4.00**

**For serving a writ of attachment for each person actually**

**brought into court 10.00**

**For serving every writ of execution 12.50**

**For entering return of non est on a capias or attachment 6.00**

**For a return of nulla bona 5.00**

**For summoning a jury to ascertain the sanity or pregnancy of a convict,**

**drawing the inquisition, and returning the same 4.00**

**For summoning a grand jury 15.00**

**For summoning a petit jury and calling the same at the trial 4.00**

**For executing a special venire when one shall have been actually**

**ordered and issued 4.00**

**For summoning each witness 3.00**

**For every return of non est on a subpoena 1.00**

**For serving any rule of court or notice 3.00**

**For calling each witness 3.00**

**For taking recognizance 3.00**

**For committing any person to jail 4.00**

**For every trial in a criminal case or confession 4.00**

**For every trial in a capital case 10.00**

**2. In all counties the sheriff shall be allowed fees for his services in felony cases and for all proceedings for contempt or attachment the sum of fifteen dollars per case. Such fees shall be charged and collected for and on behalf of the county and paid into the county treasury; however, in any city not within a county, all additional revenue derived from the increase in the fees provided for in this section after May 25, 1989, shall be used only for the support of the sheriff's office for a period of at least one full fiscal year following May 25, 1989.**

**3. In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.**

**4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive twenty-five cents per mile for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the sum of twenty-five cents per mile for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons, convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of his account, in which he shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or his designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.**

**5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under his charge any person undergoing an examination preparatory to his commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day for every day he may have such person under his charge, when the number of days shall exceed one, and twenty-five cents per mile for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and twenty-five cents a mile for every mile necessarily traveled in going to and returning from the nearest depot on said railroad to the place where such convicted offender was sentenced.**

**6. These costs shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant and**

**deliver a certified copy of the same to the sheriff, who shall immediately proceed to collect such costs from the defendant, together with ten percent on the amount of costs, so collected, as a commission for collecting the same, and the clerk shall receive of such commission an amount equal to ten percent of the fees collected and due such clerk, and the remainder of such commission shall be retained by the sheriff; provided, that in no case shall such commission be taxed against or paid either by the county or the state; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and his sureties, and costs for attachments for witnesses shall be paid by such witnesses.]**

**57.290. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars [per] for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, excluding cases disposed of by a traffic violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020, RSMo, and shall be payable to the county treasury.**

**2. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court of other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.**

**3. In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.**

**[3.] 4. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive the mileage rate prescribed by this section for the distance necessarily traveled in going to and returning from the reception and diagnostic center, the time and distance to be estimated by the most usually traveled route from the place of departure to the reception and diagnostic center; the mileage rate prescribed by this section for each mile traveled shall be allowed to the sheriff to cover all expenses on each convicted offender while being taken to the reception and diagnostic center; and all persons, convicted and sentenced to imprisonment in the department of corrections at any term or sitting of the court, shall be taken to the reception and diagnostic center at the same time, unless prevented by sickness or unavoidable accident. In cities having a population of two hundred thousand inhabitants or more, convicted offenders shall be taken to the reception and diagnostic center as often as the sheriff deems necessary. When three or more convicted offenders are being taken to the reception and diagnostic center at one time, a guard may be employed, but no guard shall be employed for a less number of convicted offenders except upon the order, entered of record, of the judge of the court in which the conviction was had, and any additional guards employed by order of the judge shall, in no event, exceed one for every three convicted offenders; and before any claim for taking convicted offenders to the reception and diagnostic center is allowed, the sheriff, or other officer conveying such convicted offender, shall file with the state commissioner of administration an itemized statement of such sheriff's account, in which the sheriff shall give the name of each convicted offender conveyed and the name of each guard actually employed, with the number of miles necessarily traveled and the number of days required, which in no case shall exceed three days, and which account shall be signed and sworn to by such officer and accompanied by a certificate from the chief administrative officer or such officer's designee of the reception and diagnostic center, that such convicted offenders have been delivered at the reception and diagnostic center and were accompanied by each of the officers and guards named in the account.**

**[4.] 5. The sheriff or other officer who shall take a person, charged with a criminal offense, from the county in which the offender is apprehended to that in which the offense was committed, or who may remove a prisoner from one county to another for any cause authorized by law, or who shall have in custody or under such sheriff's or officer's charge any person undergoing an examination preparatory to such person's commitment more than one day for transporting, safekeeping and maintaining any such person, shall be allowed by the court having cognizance of the offense, three dollars and fifty cents per day for every day such sheriff or officer may have such person under such sheriff's or officer's charge, when the number of days shall exceed one, and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from one county to another, and the guard employed, who shall in no event exceed the number allowed the sheriff, marshal or other officer in transporting convicted offenders to the reception and diagnostic center, shall be allowed the same compensation as the officer. Three dollars and fifty cents per day, mileage same as officer, shall be allowed for board and all other expenses of each prisoner. No compensation shall be allowed under**

this section for taking the prisoner or prisoners from one place to another in the same county, excepting in counties which have two or more courts with general criminal jurisdiction. In such counties the sheriff shall have the same fees for conveying prisoners from the jail to place of trial as are allowed for conveying prisoners in like cases from one county to another, and the expenses incurred in transporting prisoners from one county to another, occasioned by the insufficiency of the county jail or threatened mob violence, shall be paid by the county in which such case may have originated; provided that the court is held at a place more than five miles from the jail; and no court shall allow the expense of a guard, although it may have actually been incurred, unless from the evidence of disinterested persons it shall be satisfied that a guard was necessary; provided, that when the place of conviction is remote from a railroad, upon which a convicted offender may be transported to the reception and diagnostic center, the court before which such convicted offender is sentenced may, for good cause shown, allow one guard for every two convicted offenders, such guard to receive three dollars a day and the mileage rate prescribed by this section for every mile necessarily traveled in going to and returning from the nearest depot on said railroad to the place where such convicted offender was sentenced.

[5.] 6. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal procedure immediately after conviction of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[6.] 7. Mileage shall be reimbursed to sheriffs, county marshals and guards pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hegeman, House Amendment No. 5 was adopted.

Representative Hosmer offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 5, Line 8, by inserting after all of said line the following:

"57.295. In each county of this state the sheriff and each full-time deputy sheriff shall receive, at the discretion of the county commission, twenty-five dollars per month, as a uniform allowance, and may receive, at the discretion of the county commission, not in excess of a total of [sixty-five] one hundred dollars per month, as a uniform allowance, to be paid to him or her monthly out of the county treasury. This allowance shall apply only to sheriffs and deputy sheriffs who wear an official uniform in performance of their duty."; and

Further amend title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 6 was adopted.

Representative Hohulin offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 2, Line 8, by adding after the period:

Notwithstanding the provisions of section 590.500, any individual with 5 years or more of active duty as a Missouri deputy shall be qualified to serve as a deputy in the State of Missouri.

**Representative Hosmer raised a point of order that House Amendment No. 7 is not germane to the bill.**

**The Chair ruled the point of order not well taken.**

**Representative Hohulin moved that House Amendment No. 7 be adopted.**

**Which motion was defeated.**

**Representative Heckemeyer offered House Amendment No. 8.**

***House Amendment No. 8***

**AMEND House Substitute for House Committee Substitute for House Bill No. 282, Page 7, by adding one new section:**

**Section A. Section 34.140, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 34.140, to read as follows:**

**34.140. 1. The commissioner of administration may require an inventory to be made when necessary of all removable equipment owned by the state.**

**2. The commissioner of administration shall have the power to transfer supplies from any department where they are not needed to any other department where they are needed and to direct that proper charges and credits be made on the inventories of the departments concerned.**

**3. The commissioner of administration may distribute surplus or unneeded supplies or property to eligible donees, as that term is defined in connection with the federal surplus property program, in the same manner as provided for the distribution of federal surplus property.**

**4. The commissioner of administration may sell surplus or unneeded supplies or property which are not transferred to state agencies or distributed to eligible donees to the general public by auction, sealed bid.**

**5. A uniformed employee of the Missouri state highway patrol, as defined in section 104.010, RSMo, with the approval of the superintendent, may purchase upon retirement, by reason of length of service or disability or by the member's next of kin in case of death, the service pistol, off-duty sidearm and badge carried by such member immediately prior to retirement. The purchase price for the service pistol, off-duty sidearm and badge shall be equal to the replacement cost thereof.**

**On motion of Representative Heckemeyer, House Amendment No. 8 was adopted.**

**On motion of Representative Kissell, HS HCS HB 282, as amended, was adopted.**

**On motion of Representative Kissell, HS HCS HB 282, as amended, was ordered perfected and printed by the following vote:**

**AYES: 081**

**Alter Auer Backer Barry 100 Bauer**

**Bland Boatright Bonner Boucher Broach**

**Burton Carter Clayton Cooper Crump**

**Daniel 42 Daniels 41 Davis 63 Davis 122 Days**

**DeMarce Dougherty Elliott Farmer Farnen**

Fitzwater Foley Franklin Graham 24 Gratz

Green Gross Gunn Hagan-Harrell Hegeman

Hickey Hollingsworth Hoppe Hosmer Howerton

Johnson Kelly 27 Kennedy Kissell Kreider

Lawson Liese Luetkenhaus May 108 Mays 50

McBride McLuckie Monaco Murray O'Connor

O'Toole Ostmann Parker Pouche Ransdall

Relford Reynolds Rizzo Schilling Shear

Sheldon 104 Shelton 57 Shields Skaggs Stokan

Stoll Stroker Surface Tate Thomason 163

Treadway Van Zandt Wannenmacher Williams 121 Wilson

Mr. Speaker

NOES: 063

Akin Ballard Barnett 4 Bartelsmeyer Bennett 15

Berkstresser Campbell Champion Chrismer Cierpiot

Copeland Crawford Dolan Donovan Enz

Evans Foster Fritts Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hendrickson

Hohulin Holand Kauffman Kelley 47 Koller

Legan Linton Lograsso Loudon Marble

McClelland Merideth Miller Murphy Naeger

Nordwald Overschmidt Patek Pryor Purgason

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Seigfreid Smith Steen

Summers Williams 159 Wooten

PRESENT: 000

ABSENT WITH LEAVE: 019

Bray 84 Edwards-Pavia Ford Goward Hand

Kasten Lakin Leake Levin Long

Lumpe Scheve Scott Secrest Thompson 37

Townley Troupe Vogel Wiggins

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

HCS SB 19 - Budget (Fiscal Note)

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions, Chairman Foley reporting:**

**Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred House Resolution Nos. 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, begs leave to report it has examined the same and recommends that they Do Pass.**

**Committee on Banks and Financial Institutions, Chairman Copeland reporting:**

**Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred SB 6, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Budget, Chairman Lumpe reporting:**

**Mr. Speaker: Your Committee on Budget, to which was referred HB 15, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment No. 1.**

***House Committee Amendment No. 1***

**AMEND House Bill No. 15, Page 15, Section 15.108, Lines 1 thru 9, by deleting all of said section; and**

**further amend said bill page 32, Section 15.224, lines 1 thru 17 by deleting all of said section; and**

**further amend said bill page 47, Section 15.322, line 11, by deleting the "E" after the figure $7,637,297; and**

**further amend said bill page 51, Section 15.352, lines 1 thru 10 by deleting all of said section; and**

**further amend said bill page 64, Section 15.408, lines 1 thru 8 by deleting all of said section; and**

**further amend said bill page 65, Section 15.410, lines 1 thru 9 by deleting all of said section; and**

**further amend said bill page 69, Section 15.440, lines 1 thru 10 by deleting all of said section; and**

**further amend said bill page 71, Section 15.450, lines 1 thru 10 by deleting all of said section; and**

**further amend said bill page 78, Section 15.492, lines 1 thru 16 by deleting all of said section; and**

**further amend said bill page 84, Section 15.538, lines 1 thru 11 by deleting all of said section; and**

**further amend said bill page 68, Section 15.430, line 9 by adding after said line one new section to read as follows:**

**"Section 15.431. To the Department of Natural Resources**

**For the Division of Energy**

**Expense and Equipment**

**Representing expenditures originally authorized under the provisions of House Bill Section 1006.205, an Act of the 87th General Assembly, First Regular Session and most recently authorized under the provisions of House Bill Section 15.356, an act of the 88th General Assembly, First Regular Session**

**From Petroleum Violation Escrow Fund..... $78,062"; and**

**Further amend said bill, page 83, Section 15.526, line 10 by adding after said line one new section to read as follows:**

**"Section 15.527. To the Department of Economic Development**

**For the purpose of funding grants for economic development activities**

**Expense and Equipment**

**Representing expenditures originally authorized under the provisions of House Bill Section 1007.055, an Act of the 88th General Assembly, Second Regular Session**

**From Missouri Technology Investment Fund..... $250,000"**

**Mr. Speaker: Your Committee on Budget, to which was referred HB 16, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment No. 1.**

***House Committee Amendment No. 1***

**AMEND House Bill No. 16, Page 6, Section 16.036, Line 8, by adding after said line one new section to read as follows:**

**"Section 16.037. To the Department of Highways and Transportation**

**For the Popular Bluff Municipal Airport to extend runways and taxiways, acquire land and easements and associated improvements in Butler County**

**Representing expenditures originally authorized under the provisions of House Bill Section 1018.321, an Act of the 85th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 16.102, an Act of the 87th General Assembly, First Regular Session**

**From Third State Building Trust Fund..... $65,177**

**From Third State Building Trust Fund..... $24,700**

**Total..... $89,877"**

**Committee on Children, Youth and Families, Chairman Dougherty reporting:**

**Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred SS SB 361, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Criminal Law, Chairman Hosmer reporting:**

**Mr. Speaker: Your Committee on Criminal Law, to which was referred SB 347, begs leave to report it has**

**examined the same and recommends that the House Committee Substitute Do Pass.**

**Mr. Speaker: Your Committee on Criminal Law, to which was referred HB 858, begs leave to report it has examined the same and recommends that it Do Pass.**

**Mr. Speaker: Your Committee on Criminal Law, to which was referred HB 883, begs leave to report it has examined the same and recommends that it Do Pass.**

**Committee on Critical Issues, Chairman Harlan reporting:**

**Mr. Speaker: Your Committee on Critical Issues, to which was referred SS SCS SB 327, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Education - Elementary and Secondary, Chairman Stoll reporting:**

**Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred SB 315, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment Nos. 1 and 2.**

***House Committee Amendment No. 1***

**AMEND Senate Bill No. 315, Page 3, Section 304.050, Line 74, by inserting an opening bracket "[" immediately in front of the word "Notwithstanding"; and**

**Further amend said bill, Page 3, Section 304.050, Line 76, by inserting a closing bracket "[" immediately following the word "plates.".**

***House Committee Amendment No. 2***

**AMEND Senate Bill No. 315, Page 2, Section 304.050, Line 30, by deleting all of said line and inserting in lieu thereof the following: "[3.] 4. The driver";**

**Further amend said bill, Page 2, Section 304.050, Lines 35 through 45, by deleting all of said lines and inserting in lieu thereof the following: "unloading. No driver of a school bus shall take on or".**

**Committee on Elections, Chairman Days reporting:**

**Mr. Speaker: Your Committee on Elections, to which was referred SCS SB 16, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Committee on Utilities Regulation, Chairman Mays (50) reporting:**

**Mr. Speaker: Your Committee on Utilities Regulation, to which was referred SB 333, begs leave to report it has examined the same and recommends that it Do Pass.**

**MESSAGES FROM THE SENATE**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 249, entitled:**

**An act to repeal sections 190.305 and 190.329, RSMo Supp. 1996, relating to emergency telephone service, and to enact in lieu thereof three new sections relating to the same subject.**

**With Senate Committee Amendment No. 1**

*Senate Committee Amendment No. 1*

**AMEND House Bill No. 249, Page 3, Section 190.328, Line 5, by inserting after the word "classification" the following: "but do not border the Mississippi River"; and**

**Further amend said bill, Page 3, Section 190.329, Line 5, by inserting after the word "classification" the following: "but do not border the Mississippi River".**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SB 148, and has taken up and passed HCS SB 148.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 540.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 309.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 727.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 300.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 213.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 713.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 773.**

**Emergency Clause Adopted.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 783.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCA 1 to SB 155, and has again taken up and passed SB 155 as amended.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 438.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SB 375, and has taken up and passed HCS SB 375.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SCS SB 194, and has taken up and passed HCS SCS SB 194.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCA 1 to SB 353, and has again taken up and passed SB 353 as amended.**

**Emergency Clause Adopted.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SB 59, and has taken up and passed HCS SB 59.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SB 58, and has taken up and passed HCS SB 58.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SCS SB 408, and has taken up and passed HCS SCS SB 408.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SB 34 as amended, and has taken up and passed HCS SB 34 as amended.**

**ADJOURNMENT**

**On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, April 24, 1997.**

**CORRECTIONS TO THE HOUSE JOURNAL**

**Correct House Journal, Fifty-eighth Day, Tuesday, April 22, 1997, page 1236, roll call, by showing Representatives Days, Fitzwater, and Reinhart voting "present" rather than "absent with leave".**

**Page 1237, roll call, by showing Representative Wiggins voting "aye" rather than "absent with leave".**

**Page 1238, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".**

**Pages 1238 and 1239, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".**

**Pages 1240 and 1241, roll call, by showing Representatives Murphy, Gross, and Patek voting "aye" rather than "absent with leave".**

**Pages 1241 and 1242, roll call, by showing Representatives Murphy, Smith, and Boatright voting "aye" rather than "absent with leave".**

**Pages 1242 and 1243, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".**

**Pages 1243 and 1244, roll call, by showing Representatives Murphy, Bennett (15), Liese, Kreider, and Hoppe voting "aye" rather than "absent with leave".**

**Pages 1244 and 1245, roll call, by showing Representatives Murphy, Bennett (15), Wiggins, Days, Gross, and Merideth voting "aye" rather than "absent with leave".**

**Pages 1245 and 1246, roll call, by showing Representatives Murphy, Kelly (27) and Davis (63) voting "aye" rather than "absent with leave".**

**Pages 1246 and 1247, roll call, by showing Representatives Barnett (4) and Froelker voting "aye" rather than "absent with leave".**

**Pages 1247 and 1248, roll call, by showing Representatives Murphy and Franklin voting "aye" rather than "absent with leave".**

**Pages 1248 and 1249, roll call, by showing Representatives Murphy, Bennett (15) and Franklin voting "aye"**

**rather than "absent with leave".**

**Pages 1249 and 1250, roll call, by showing Representatives Murphy and Hoppe voting "aye" rather than "absent with leave".**

**Pages 1250 and 1251, roll call, by showing Representatives Murphy, Bennett (15) and Enz voting "aye" rather than "absent with leave".**

**Pages 1251 and 1252, roll call, by showing Representatives Murphy, Enz and Smith voting "aye" rather than "absent with leave".**

**Page 1254, roll call, by showing Representatives Murphy, Chrismer and Hosmer voting "aye" rather than "absent with leave".**

**Pages 1254 and 1255, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".**

**Pages 1256 and 1257, roll call, by showing Representatives Loudon, Bennett (15), Smith, DeMarce, Reynolds and Fitzwater voting "aye" rather than "absent with leave".**

**Pages 1257 and 1258, roll call, by showing Representatives Dolan and Miller voting "aye" rather than "absent with leave".**

**Pages 1257 and 1258, roll call, by showing Representative Loudon voting "no" rather than "absent with leave".**

**Page 1259, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".**

**Page 1261, roll call, by showing Representatives Ross, Chrismer, Lawson and Wiggins voting "aye" rather than "absent with leave".**

**Page 1262, roll call, by showing Representatives Lawson, Kissell, Franklin and Bartelsmeyer voting "aye" rather than "absent with leave".**

**Page 1263, roll call, by showing Representatives Gratz, Gross, Kelly (27) and Campbell voting "aye" rather than "absent with leave".**

**Pages 1263 and 1264, roll call, by showing Representative Gratz voting "aye" rather than "absent with leave".**

**Pages 1264 and 1265, roll call, by showing Representatives Crawford, Foster and Gratz voting "aye" rather than "absent with leave".**

**Pages 1265 and 1266, roll call, by showing Representatives Robirds and Days voting "aye" rather than "absent with leave".**

**Pages 1265 and 1266, roll call, by showing Representative Dolan voting "aye" rather than "present".**

**Pages 1266 and 1267, roll call, by showing Representatives Murphy, Wiggins, Nordwald and Bartelsmeyer voting "aye" rather than "absent with leave".**

**Pages 1267 and 1268, roll call, by showing Representatives Bartelsmeyer and Levin voting "aye" rather than "absent with leave".**

**Pages 1268 and 1269, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".**

**Pages 1269 and 1270, roll call, by showing Representative Merideth voting "aye" rather than "absent with**

leave".

Pages 1270 and 1271, roll call, by showing Representative Akin voting "aye" rather than "absent with leave".

Pages 1271 and 1272, roll call, by showing Representatives Bennett (15) and Kelly (27) voting "aye" rather than "absent with leave".

Page 1273, roll call, by showing Representatives Bennett (15) and Kelly (27) voting "aye" rather than "absent with leave".

Pages 1278 and 1279, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Page 1281, roll call, by showing Representative Linton voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

AGRI-BUSINESS

Monday, April 28, 1997, 8:00 pm. Hearing Room 8. Executive session may follow.

To be considered - SB 79

AGRICULTURE

Monday, April 28, 1997, 8:00 pm. Hearing Room 8. Executive session may follow.

To be considered - SB 79

BUDGET

Monday, April 28, 1997, 2:00 pm. Hearing Room 9. Executive session. Mark up on HB 18.

To be considered - HB 232, HB 641, HB 777, HB 50, HB 664

CHILDREN, YOUTH, AND FAMILIES

Thursday, April 24, 1997, 9:00 am. Hearing Rooms 1 and 2.

To be considered - HR 548, Executive Session - SB 51, Executive Session - SB 358

RETIREMENT

Thursday, April 24, 1997, 9:45 am. Hearing Room 7. Executive session will follow.

To be considered - SB 298

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Thursday, April 24, 1997, 4:30 pm. Hearing Room 5. Review previously

heard bills. Possible executive session.

UTILITIES REGULATION

Thursday, April 24, 1997, 8:00 am. Hearing Room 5. Executive session.

HOUSE CALENDAR

SIXTIETH DAY, THURSDAY, APRIL 24,1997

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 595 - Koller**

**2 HB 57 - Shear**

**3 HCS HB 723, 789 & 372, as amended, - Dougherty**

**4 HCS HB 508 & 145 - Stokan**

**5 HB 135, HCAs 1 & 2 - Dougherty**

**6 HB 190 - Rizzo**

**7 HCS HB 336 - Green**

**8 HCS HB 635 - Kennedy**

**9 HCS HB 582 - Schilling**

**10 HCS HB 509 - Bland**

**11 HCS HB 434, 624 & 676 - Long**

**12 HB 267 - Overschmidt**

**13 HCS HB 724 - Riback Wilson**

**14 HB 108 - Scheve**

**15 HB 423, HCA 1 - Backer**

**16 HB 848 - DeMarce**

**17 HCS HB 511 - Graham (24)**

**18 HB 497, HCA 1 - Naeger**

**19 HB 106 - Bland**

**20 HB 753 - Broach**

**21 HB 47 - Bland**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**1 HB 570, as amended - Stoll**

**2 HCS HB 155, 81 & 171 - Farmer**

**3 HCS HB 426, 576 & 567 - Luetkenhaus**

**4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo**

**5 HCS HB 396 - Hosmer**

**6 HCS HB 748 & 605 - McLuckie**

**7 HCS HB 146 - Scheve**

**8 HCS HB 436 & 260 - Treadway**

**9 HCS HB 349, as amended, HS, adopted, pending - Koller**

**10 HB 850 - Kelly (27)**

**HOUSE BILLS FOR THIRD READING**

**1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross**

**2 HB 777, (Budget Fiscal 4-21-97) - Hosmer**

**3 HCS HB 697, (Budget Fiscal 4-17-97) - Relford**

**4 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz**

5 HB 232, (Budget Fiscal 4-21-97) - Dougherty

6 HCS HB 641 & 593, (Budget Fiscal 4-21-97) - Fitzwater

7 HS HB 513, (Budget Fiscal 4-21-97) - Clayton

8 HB 578, (Budget Fiscal 4-21-97) - Williams (121)

9 HS HB 811 - Lakin

HOUSE BILL FOR THIRD READING - INFORMAL

HB 215 - Dougherty

SENATE BILLS FOR THIRD READING

HCS#2 SB 161, E. C. - Kelly (27)

HCS SB 19, (Budget Fiscal 4-23-97) - Thomason (163)

SB 333 - Gunn

SB 240 - Lumpe

SB 29 - Kelly (27)

BILLS CARRYING REQUEST MESSAGES

HB 327, SCA1 (Reg. Sen recede/grant House conf) - McBride

SCS HB 318, (Reg. Sen. recede/grant House conf, conferees be allowed to exceed differences on Section 321.300) - Clayton

BILLS IN CONFERENCE

1 SCS HCS HB 2 - Franklin

2 SCS HCS HB 3, as amended, - Franklin

3 SCS HCS HB 4 - Green

4 SCS HCS HB 5, as amended, - Green

5 SCS HCS HB 6, as amended, - Tate

6 SCS HCS HB 7, as amended, - Tate

7 SCS HCS HB 8, as amended, - Franklin

8 SCS HCS HB 9, as amended, - Lakin

9 SCS HCS HB 10 - Carter

10 SCS HCS HB 11 - Lakin

11 SCS HCS HB 12, as amended, - Green/Franklin

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 497, (4-16-97 pgs 1153 & 1154) - DeMarce

HR 345, (4-16-97 pg. 1153) - Gratz

HR 409, (4-9-97 pgs. 999 & 1000) - Smith

HR 329, (4-16-97 pg. 1153) - Crawford

COURTESY RESOLUTIONS

HR 608 - Stoll

HR 609 - Ross

HR 610 - Reinhart

HR 611 - Hand

HR 612 - Vogel

HR 613 - Foley

HR 614 - Kelly (27)

HR 615 - Scott

HR 616, through 618 - Cierpiot

HR 619 - Williams (159)

HR 620 - Dougherty

HR 622 - Enz

HR 623, and 624 - Rizzo

HR 625 - Treadway

HR 626 - Loudon

HR 627 - Davis (63)

HR 628 - Gaskill

HR 629, through 641 - Murphy

HR 642 - Patek

HR 643 - Bennett

HR 644, through 669 - Murphy

HR 670 - Liese

HR 671, through 684 - Linton

HR 685, through 712 - Enz

HR 713 - Ross

HR 714 - Kelly (27)

HR 715 - Patek

HR 716 - O'Connor

HR 717, and 718 - Lakin

HR 719 - Boucher

HR 720 - Dolan

HR 721 - Scheve

HR 722 - Shields

HR 723 - Gratz

HR 724 - Williams (121)

HR 726 - Nordwald

HR 727 - Marble

HR 728 - Seigfreid

HR 729, and 730 - Kauffman

HR 731 - Ross

HR 732, through 734 - Fritts

HR 735, and 736 - Stokan

HR 737, and 739 - Relford

HR 740 - Robirds

HR 741 - Kennedy

HR 742 - Summers

HR 743 - Fitzwater

HR 744 - Ross

HR 745 - McLuckie

HR 746, and 747 - McClelland

HR 748 - Gross

HR 749, and 750 - Williams (121)

HR 751, and 752 - Kauffman

HR 753, and 754 - Backer

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# House Journal

## First Regular Session, 89th General Assembly

SIXTIETH DAY, Thursday, April 24, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

"But they who wait for the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint." (Isaiah 40:31 RSV)

O Lord, as days grow longer and more exhausting, as the work begins to pull at our feet like molasses, let us remember the words of Isaiah - waiting upon you, and may our strength be renewed.

We keep in mind today those who are dealing with the devastation of flood waters. We are only too familiar with the shock of disbelief and the grief of loss associated with flood. Be present to them as they begin the process of re-building their lives.

And now watch over these representatives as they go into this weekend. Give there rest and bring them back safely for the next week's work. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Gus Kempa, Kendra Owen, Jessica Griffin, Kyle Fetick, Audra Armstrong, Mario Carillo, Sheena Johnson, Tara Lively, Hillary Roberts, Alisha Blevins, Lindsay Monaco, Lisa Monaco, Kelly Burmeister, Kassi Kelly, Khiara Ray, Owen Metzler, Jeff Howell, Julia Biegel, Morgan Sheiderer, Chad Kendrick, Mike McClellan, Hilary Lyle, Kristy Burmeister and Charlie Puch.

The Journal of the fifty-ninth day was approved as corrected.

**RESOLUTIONS**

Representative Secrest offered House Resolution No. 755, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution No. 756, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Purgason offered House Resolution No. 757, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Overschmidt offered House Resolution No. 758, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Farnen offered House Resolution No. 759, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative DeMarce offered House Resolution No. 760, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hendrickson offered House Resolution No. 761, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Evans offered House Resolution No. 762, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reynolds offered House Resolution No. 763, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution Nos. 764 through 767, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution No. 768, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COURTESY RESOLUTIONS**

House Resolution Nos. 608 through 620, 622 through 724 and 726 through 754 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 608 through 620, 622 through 724 and 726 through 754 were adopted.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 811**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 95, HB 300, HB 520, HB 540, HB 566, HB 609, HB 651, HB 689** and **HB 709**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 213** and **HB 783**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 125, HB 438, HB 713, HB 727** and **HB 773**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 001

Patek

PRESENT: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Treadway Van Zandt
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

ABSENT WITH LEAVE: 010

Bray 84 Edwards-Pavia Farmer Ford Goward

Hand Thompson 37 Townley Troupe Vogel

**PERFECTION OF HOUSE BILLS**

**HB 57,** relating to child care ratios, was again taken up by Representative Shear.

Representative Lograsso offered House Amendment No. 1.

*House Amendment No.1*

AMEND House Bill No. 57, Page 2, Section 210.252, Line 27, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

Section 2. No rule promulgated pursuant to the authority of sections 210.252 to 210.256 shall become effective unless it has been promulgated pursuant to the provisions of 536.024, RSMo.

On motion of Representative Lograsso, House Amendment No. 1 was adopted.

Representative Froelker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 57, Page 2, Section 210.252, Line 25, by deleting "1998" on said line and inserting in lieu thereof "1999"

On motion of Representative Froelker, House Amendment No. 2 was adopted.

Representative Akin offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 57, Page 2, Section 210.252, Line 27, by adding immediately after said line the following:

"**6. The rules and regulations relating to staff/child ratios shall not apply to any child care facility maintained or operated under the exclusive control of a religious organization.**"

**HB 57, as amended, with House Amendment No. 3, pending,** was laid over.

**HCS HBs 723, 789 and 372, as amended,** relating to domestic relations, was placed on the Informal Calendar.

**THIRD READING OF HOUSE BILL**

**HS HB 811**, relating to Healthy Missouri Children Corporation, was taken up by Representative Lakin.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 004

Elliott Hickey Hosmer Patek

NOES: 000

PRESENT: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hohulin Holand Hollingsworth
Hoppe Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Van Zandt Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

ABSENT WITH LEAVE: 012

Bray 84 Daniel 42 Daniels 41 Edwards-Pavia Ford

Goward Hand Thompson 37 Troupe Vogel

Wannenmacher Wooten

**HS HB 811** was laid over.

**RE-REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was re-referred to the Committee indicated:

**HR 621** - Labor

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 24** - Budget (Fiscal Note)

**SS SB 275** - Criminal Law

**SB 315** - Budget (Fiscal Note)

**SS SB 367** - Budget (Fiscal Note)

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 24**.

SENATE CONCURRENT RESOLUTION NO. 24

**To suspend and revoke CSR 80-2.013**

WHEREAS, The Department of Natural Resources filed notice of proposed rulemaking for 10 CSR 80-2.013 on October 10, 1996, and filed the order of rulemaking with the Committee on Administrative Rules on March 24, 1997 with notice of intent to file with the Secretary of State on April 23, 1997.

WHEREAS, the proposed rule requires an applicant for a solid waste disposal permit to conduct two separated

public meetings known as "public awareness and community involvement session" at an estimated cost of $10,000 to the applicant.

WHEREAS, Sections 260.200 to 260.241 specifies the requirements for an application for a permit which not only does not require the applicant to conduct public meetings but rather requires the Department to hold such public hearings; and,

WHEREAS, the sole authority delegated to the Department to propose rules is specifically limited in Section 260.225. 1. (3) to "such rules and regulations relating to solid waste management systems"; and,

WHEREAS, the General Assembly has not delegated any rulemaking authority to the Department concerning the requirements for the application for a permit, but rather, the General Assembly has preempted the requirements for the application process which does not include the holding of public sessions and the attendant cost related

thereto; and,

WHEREAS, the Committee on Administrative Rules has found that the Department has exceeded its rulemaking authority and recommends that the General Assembly act to permanently suspend and/or revoke 10 CSR 80-2.013

**NOW THEREFORE**, the General Assembly finds that:

1. 10 CSR 80-2.013 relates to the permit application process and purports to add additional requirements that are not provided in Sections 260.200 to 260.241; and;

2. The General Assembly has preempted the application process and has specified all of the requirements for obtaining a permit; and,

3. The Department has no authority to increase the requirements for obtaining a permit;

4. Section 260.225 limits the authority of the Department to issue rules to those rules related to the solid waste management systems and no authority has been delegated to the department to issue rules which create additional, substantive requirements necessary to apply for a permit.

**NOW THEREFORE,** the 89th General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently suspends and revokes 10 CSR 80-2.013; and,

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation as provided in Chapter 536.024; and,

FURTHER, that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

In which the concurrence of the House is respectfully requested.

**COMMITTEE REPORTS**

**Committee on Agriculture**, Chairman Leake reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 200**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 303**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SB 334**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 334, Page 2, Section 136.055, Line 33, by inserting after all of said line the following:

"**4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:**

**The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.**".

**Committee on Retirement**, Chairman Hagan-Harrell reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SB 298**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SCS SCR 7**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, there is a nationwide trend toward deregulation of telecommunications services and energy services and sources which will likely create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services, and such taxes vary widely based upon locality and, within a locality, such taxes may vary widely between increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, there is currently a nationwide trend toward competition in the production, distribution and sale of energy, including electricity and other energy sources, and this trend has both potential benefits and potential

adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources will necessitate a fair and equitable structure of taxes across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored:

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, and that said committee be authorized to function during the interim between the first and second regular sessions of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications and energy services taxation, competition between governmental entities and private telecommunication entities, the need to maintain and sufficiently fund emergency telephone services ("911") in light of the increased use of cellular phones and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale including consideration of the effects on residential customers, small business customers, large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SCS SB 263**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 2**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, that the Senate recede from its position on House Committee Substitute for House Bill No. 2,

and the Conference Committee Substitute for House Bill No. 2, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Richard Franklin /s/ Wayne Goode

/s/ Chuck Wooten /s/ John T. Russell

/s/ Sandra Kauffman /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 3**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended, that the Senate recede from its position on House Committee Substitute for House Bill No. 3, as amended, and the Conference Committee Substitute for House Bill No. 3, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Richard Franklin /s/ Wayne Goode

/s/ Bonnie Sue Cooper /s/ John T. Russell

/s/ Sandra Kauffman /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 4**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, as amended, that the Senate recede from its position on House Committee Substitute for House Bill No. 4, as amended, and the Conference Committee Substitute for House Bill No. 4, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Timothy Green /s/ Wayne Goode

/s/ Kenneth Legan /s/ John T. Russell

Carl Vogel /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 5**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, as amended, that the Senate recede from its position on House Committee Substitute for House Bill No. 5, and the Conference Committee Substitute for House Bill No. 5, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Timothy Green /s/ Wayne Goode

/s/ Kenneth Legan /s/ John T. Russell

Carl Vogel /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 6**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, that the Senate recede from its position on House Committee Substitute for House Bill No. 6, as amended, and the Conference Committee Substitute for House Bill No. 6, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Phil Tate /s/ Wayne Goode

/s/ Bonnie Sue Cooper /s/ John T. Russell

/s/ James Graham /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 7**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, that the Senate recede from its position on House Committee Substitute for House Bill No. 7, as amended, and the Conference Committee Substitute for House Bill No. 7, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Phil Tate /s/ Wayne Goode

/s/ Bonnie Sue Cooper /s/ John T. Russell

/s/ Emmy McClelland /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 8**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, as amended, that the Senate recede from its position on House Committee Substitute for House Bill No. 8, as amended, and the Conference Committee Substitute for House Bill No. 8, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Richard Franklin /s/ Wayne Goode

/s/ Bonnie Sue Cooper /s/ John T. Russell

/s/ Charlie Shields /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 9**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, that the Senate recede from its position on House Committee Substitute for House Bill No. 9, and the Conference Committee Substitute for House Bill No. 9, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Scott Lakin /s/ Wayne Goode

/s/ Pat Kelley /s/ John T. Russell

/s/ Rich Chrismer /s/ Marvin Singleton

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 3:00 p.m., Monday, April 28, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-eighth Day, Tuesday, April 22, 1997, Page 1286, by inserting after line 11 the following:

**"Committee on Tourism, Recreation and Cultural Affairs, Chairman Overschmidt reporting:**

**Mr. Speaker: your Committee on Tourism, Recreation and Cultural Affairs, to which was referred SB 119, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass."**

**Correct House Journal, Fifty-ninth Day, Wednesday, April 23, 1997, Page 1325, Line 25, by deleting "[" and inserting "]".**

**Pages 1293 and 1294, roll call, by showing Representatives Foley and Stokan voting "present" rather than "absent with leave".**

**Pages 1293 and 1294, roll call, by showing Representative Johnson voting "aye" rather than "absent with leave".**

**Pages 1294 and 1295, roll call, by showing Representatives Robirds, Kelly (27) and Foley voting "aye" rather than "absent with leave".**

**Page 1295, roll call, by showing Representatives Patek, Foley and Robirds voting "aye" rather than "absent with leave".**

**Page 1296, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".**

**Pages 1297 and 1298, roll call, by showing Representative Ridgeway voting "aye" rather than "absent with leave".**

**Pages 1298 and 1299, roll call, by showing Representatives Reinhart and Patek voting "aye" rather than "absent with leave".**

**Pages 1299 and 1300, roll call, by showing Representatives Gratz, Gibbons and Crawford voting "aye" rather than "absent with leave".**

**Page 1301, roll call, by showing Representatives Kennedy, Davis (63), Miller and Champion voting "aye" rather than "absent with leave".**

**Pages 1303 and 1304, roll call, by showing Representatives Hosmer and Barry voting "aye" rather than "absent with leave".**

**Pages 1304 and 1305, roll call, by showing Representative Champion voting "no" rather than "absent with leave".**

**Pages 1305 and 1306, roll call, by showing Representative Champion voting "no" rather than "absent with leave".**

**Pages 1305 and 1306, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".**

**Pages 1306 and 1307, roll call, by showing Representative Richardson voting "no" rather than "absent with leave".**

**Page 1308, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".**

**Page 1309, roll call, by showing Representatives Surface, Loudon and Fitzwater voting "aye" rather than "absent with leave".**

**Page 1310, roll call, by showing Representatives Hosmer and Parker voting "aye" rather than "absent with leave".**

**Page 1312, roll call, by showing Representative Lakin voting "aye" rather than "absent with leave".**

**Page 1313, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".**

**Pages 1314 and 1315, roll call, by showing Representatives Franklin and Loudon voting "aye" rather than "absent with leave".**

**Page 1322, roll call, by showing Representatives Long, Kasten, Secrest and Levin voting "no" rather than "absent with leave".**

**Page 1322, roll call, by showing Representative Pouche voting "no" rather than "aye".**

**COMMITTEE MEETINGS**

**AGRI-BUSINESS**

**Monday, April 28, 1997, 8:00 pm. Hearing Room 8. Executive session may follow.**

**To be considered - SB 79**

**BUDGET**

**Monday, April 28, 1997, 2:00 pm. Hearing Room 9. Executive session. Mark up on HB 18.**

**To be considered - HB 232, HB 641, HB 777, HB 50, HB 664**

**PROFESSIONAL REGISTRATION & LICENSING**

**Tuesday, April 29, 1997, 9:30 am. Room 401B. Executive session.**

**SOCIAL SERVICES, MEDICAID, AND THE ELDERLY**

**Monday, April 28, 1997. Hearing Room 5 upon adjournment. Review**

**previously heard bills. Possible executive session.**

**WAYS AND MEANS**

**Tuesday, April 29, 1997. Hearing Room 1 and 2 upon morning adjournment.**

**Executive session to follow.**

**To be considered - SB 345, SB 457**

**HOUSE CALENDAR**

**SIXTY-FIRST DAY, MONDAY, APRIL 28, 1997**

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

**HB 15, HCA 1 - Lumpe**

**HB 16, HCA 1 - Lumpe**

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 595 - Koller**

**2 HB 57, as amended, HA 3, pending, - Shear**

**3 HCS HB 508 & 145 - Stokan**

**4 HB 135, HCAs 1 & 2 - Dougherty**

**5 HB 190 - Rizzo**

**6 HCS HB 336 - Green**

**7 HCS HB 635 - Kennedy**

**8 HCS HB 582 - Schilling**

**9 HCS HB 509 - Bland**

**10 HCS HB 434, 624 & 676 - Long**

**11 HB 267 - Overschmidt**

**12 HCS HB 724 - Riback Wilson**

**13 HB 108 - Scheve**

**14 HB 423, HCA 1 - Backer**

**15 HB 848 - DeMarce**

**16 HCS HB 511 - Graham (24)**

**17 HB 497, HCA 1 - Naeger**

**18 HB 106 - Bland**

**19 HB 753 - Broach**

**20 HB 47 - Bland**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**1 HB 570, as amended - Stoll**

**2 HCS HB 155, 81 & 171 - Farmer**

**3 HCS HB 426, 576 & 567 - Luetkenhaus**

**4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo**

**5 HCS HB 396 - Hosmer**

**6 HCS HB 748 & 605 - McLuckie**

**7 HCS HB 146 - Scheve**

**8 HCS HB 436 & 260 - Treadway**

**9 HCS HB 349, as amended, HS, adopted, pending - Koller**

**10 HB 850 - Kelly (27)**

**11 HCS HB 723, 789 & 372, as amended, - Dougherty**

**HOUSE BILLS FOR THIRD READING**

**1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross**

**2 HB 777, (Budget Fiscal 4-21-97) - Hosmer**

**3 HCS HB 697, (Budget Fiscal 4-17-97) - Relford**

**4 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz**

5 HB 232, (Budget Fiscal 4-21-97) - Dougherty

6 HCS HB 641 & 593, (Budget Fiscal 4-21-97) - Fitzwater

7 HS HB 513, (Budget Fiscal 4-21-97) - Clayton

8 HB 578, (Budget Fiscal 4-21-97) - Williams (121)

9 HS HB 811 - Lakin

10 HB 266 - Stoll

11 HS HCS HB 282 - Kissell

HOUSE BILL FOR THIRD READING - INFORMAL

HB 215 - Dougherty

SENATE BILLS FOR THIRD READING

1 HCS#2 SB 161, E. C. - Kelly (27)

2 HCS SB 19, (Budget Fiscal 4-23-97) - Thomason (163)

3 SB 333 - Gunn

4 SB 240 - Lumpe

5 SB 29 - Kelly (27)

6 SB 315, HCAs 1 & 2, - (Budget Fiscal 4-24-97) - Stoll

7 SB 24, (Budget Fiscal 4-24-97) - Shear

8 HCS SCS SB 265 - Smith

9 HCS SB 303 - Hoppe

10 SB 261 - Kreider

11 HCS SB 142 - May (108)

12 SB 6 - Clayton

13 SS SB 367, (Budget Fiscal 4-24-97) - Crump

HOUSE BILL WITH SENATE AMENDMENT

HB 249, SCA 1 - Kreider

BILLS CARRYING REQUEST MESSAGES

HB 327, SCA1 (Reg. Sen recede/grant House conf) - McBride

SCS HB 318, (Reg. Sen. recede/grant House conf, conferees be allowed to exceed differences on Section 321.300) - Clayton

BILLS IN CONFERENCE

1 CCR SCS HCS HB 2 - Franklin

2 CCR SCS HCS HB 3, as amended, - Franklin

3 CCR SCS HCS HB 4 - Green

4 CCR SCS HCS HB 5, as amended, - Green

5 CCR SCS HCS HB 6, as amended, - Tate

6 CCR SCS HCS HB 7, as amended, - Tate

7 CCR SCS HCS HB 8, as amended, - Franklin

8 CCR SCS HCS HB 9, as amended, - Lakin

9 SCS HCS HB 10 - Carter

10 SCS HCS HB 11 - Lakin

11 SCS HCS HB 12, as amended, - Green/Franklin

SENATE CONCURRENT RESOLUTION

HCS SCS SCR 7, (4-10-97, pgs. 1034 & 1035) - Burton

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 497, (4-16-97 pgs 1153 & 1154) - DeMarce

HR 345, (4-16-97 pg. 1153) - Gratz

HR 409, (4-9-97 pgs. 999 & 1000) - Smith

HR 329, (4-16-97 pg. 1153) - Crawford

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

SIXTY-FIRST DAY, Monday, April 28, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Do not say to your neighbor, 'Go and come again, tomorrow I will give it' when you have it with you." (Proverbs 3:28).

President Clinton and former presidents and their wives have launched a bi-partisan national program to promote volunteerism at all levels in the nation under the leadership of General Colin Powell.

Today we rejoice that there are so many people who, in so many ways, often barely noticed, volunteer for political campaigns, religious, and not-for-profit and other charitable causes. We thank you, gracious God, for those who volunteer out of a generous spirit and we ask that this new initiative will inspire others to consider such work. We regret that many organizations have lost what used to be a reliable pool of volunteers in recent decades because of changing economic and family circumstances, particularly among women. We pray also that government will do what government should do, and that volunteer work will supplement that work, not be expected to replace it by default, and that the private and charitable sector will benefit from this new publicity to continue the long tradition of selfless giving with volunteers and monetary contributions and donated services. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tommi Sumner, Shane Naeger, Angela Huck, Michelle Eckenfels, Keith Beggs, Brandon Palmer, Brittany Utterback and Tabitha Clements.

The Journal of the sixtieth day was approved as corrected.

**RESOLUTIONS**

Representative Williams (121) offered House Resolution No. 769, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kreider offered House Resolution No. 770, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy, et al, offered House Resolution Nos. 771 through 773, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution Nos. 774 through 787, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Murphy and Enz offered House Resolution Nos. 788 through 815, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution Nos. 816 through 837, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Murphy and Enz offered House Resolution Nos. 838 and 839, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution Nos. 840 through 845, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Murphy and Enz offered House Resolution Nos. 846 through 857, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Surface offered House Resolution No. 858, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bland offered House Resolution No. 859, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution Nos. 860 and 861, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Surface offered House Resolution No. 862, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Burton offered House Resolution No. 863, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 864, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution Nos. 865 through 869, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution No. 870, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Kauffman and Campbell offered House Resolution No. 871, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Akin offered House Resolution No. 872, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelley (47) offered House Resolution Nos. 873 through 878, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 266** and **HS HCS HB 282**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 309**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Steen

NOES: 000

PRESENT: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 007

Evans Goward Hand Hoppe Reynolds

Ridgeway Thompson 37

**SIGNING OF HOUSE BILL**

All other business of the House was suspended while **SCS HCS HB 356** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SCS HCS HB 356** was delivered to the Governor by the Chief Clerk of the House.

**HOUSE BILL WITH SENATE AMENDMENT**

**HB 249, with Senate Committee Amendment No. 1**, relating to emergency services, was taken up by Representative Kreider.

On motion of Representative Kreider, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Gaskill Goward Hand Hoppe Reinhart

Reynolds Ridgeway Thompson 37 Van Zandt

On motion of Representative Kreider, **HB 249, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Fritts Froelker Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hosmer Howerton Johnson Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Linton

Lograsso Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 012

Franklin Gaskill Goward Hand Hoppe

Kasten Levin Liese Long Reynolds

Ridgeway Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF SENATE BILLS**

**HCS #2 SB 161**, relating to taking analysis, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **HCS #2 SB 161** was adopted.

On motion of Representative Kelly (27), **HCS #2 SB 161** was read the third time and passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Gaskill Goward Hand Hoppe Reynolds
Ridgeway

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Broach Hohulin Steen

PRESENT: 000

ABSENT WITH LEAVE: 006

Goward Hand Hoppe Kennedy Reynolds
Ridgeway

On motion of Representative Boucher, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**SB 333**, relating to telecommunications services, was taken up by Representative Gunn.

On motion of Representative Gunn, **SB 333** was truly agreed to and finally passed by the following vote:

AYES: 126

Alter Auer Backer Barnett 4 Barry 100
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Farmer Farnen Fitzwater
Ford Franklin Fritts Froelker Graham 24
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hendrickson Hickey Hollingsworth Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Levin Liese Long Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Ransdall
Relford Richardson Rizzo Robirds Ross

Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Stokan Stoll Stroker
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 030

Akin Ballard Bartelsmeyer Berkstresser Boatright
Chrismer Cierpiot Crawford Evans Foster
Gaskill Gaston Gibbons Graham 106 Hall
Hegeman Hohulin Holand Legan Linton
Lograsso Loudon Patek Pouche Pryor
Purgason Reinhart Sallee Steen Summers

PRESENT: 000

ABSENT WITH LEAVE: 007

Foley Goward Hand Hoppe Kauffman
Reynolds Ridgeway

Speaker Gaw declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Daniels (41) moved that the vote by which the bill passed be reconsidered.

Representative Davis (63) moved that motion lay on the table.

The latter motion prevailed.

**SB 240**, relating to claims and warrants against the State, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **SB 240** was truly agreed to and finally passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Dougherty Goward Hand Hoppe Reynolds
Ridgeway Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Farmer, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS**

**HS HB 811**, relating to Healthy Missouri Children Corporation, was again taken up by Representative Lakin.

Representative Stoll assumed the Chair.

Speaker Gaw resumed the Chair.

On motion of Representative Lakin, **HS HB 811** was read the third time and passed by the following vote:

AYES: 084

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Campbell Carter
Clayton Copeland Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Donovan
Dougherty Farmer Farnen Fitzwater Foley
Franklin Fritts Graham 24 Gratz Green
Gunn Hagan-Harrell Harlan Heckemeyer Hickey
Hollingsworth Hosmer Johnson Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Liese Luetkenhaus Lumpe May 108
Mays 50 McBride McClelland McLuckie Monaco
Murray O'Connor O'Toole Overschmidt Parker
Ransdall Relford Rizzo Scheve Schilling
Seigfreid Shear Shelton 57 Skaggs Smith
Stokan Stoll Stroker Tate Thomason 163
Thompson 37 Treadway Van Zandt Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 071

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Edwards-Pavia Elliott Enz Evans
Ford Foster Froelker Gaskill Gaston
Gibbons Graham 106 Griesheimer Gross Hall
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten Kauffman Kelley 47
Legan Linton Lograsso Long Loudon
Marble Merideth Miller Murphy Naeger
Nordwald Ostmann Patek Pouche Pryor
Purgason Reinhart Richardson Robirds Ross
Sallee Schwab Scott Secrest Sheldon 104
Shields Steen Summers Surface Townley
Vogel

PRESENT: 000

ABSENT WITH LEAVE: 008

Goward Hand Hoppe Levin Reynolds
Ridgeway Troupe Wannenmacher

Speaker Gaw declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Monaco moved that the vote by which the bill passed be reconsidered.

Representative Overschmidt moved that motion lay on the table.

The latter motion prevailed.

Representative Leake requested verification of the Roll Call on Third Reading of **HS HB 811**.

Representative Scheve assumed the Chair.

**HB 266**, relating to interior designers, was taken up by Representative Stoll.

Representative Stoll moved that **HB 266** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 067

Backer Bartelsmeyer Bauer Bennett 15 Bonner
Broach Chrismer Clayton Copeland Daniel 42
Daniels 41 Davis 63 Days DeMarce Donovan
Dougherty Farnen Fitzwater Foley Franklin
Gibbons Graham 24 Graham 106 Green Hall
Harlan Hartzler 124 Hickey Hollingsworth Kasten
Kissell Kreider Lakin Leake Legan
Levin Liese Loudon Luetkenhaus May 108

Miller Monaco Murphy Murray Naeger

O'Toole Purgason Richardson Rizzo Robirds

Scheve Schwab Scott Secrest Shear

Stokan Stoll Stroker Thomason 163 Thompson 37

Treadway Troupe Van Zandt Wiggins Williams 121

Wilson Mr. Speaker

NOES: 086

Akin Alter Auer Ballard Barnett 4

Barry 100 Berkstresser Bland Boatright Boucher

Bray 84 Burton Campbell Carter Champion

Cierpiot Cooper Crawford Crump Davis 122

Dolan Edwards-Pavia Elliott Enz Evans

Farmer Ford Foster Fritts Froelker

Gaskill Gaston Griesheimer Gross Gunn

Hagan-Harrell Hartzler 123 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hosmer Howerton Johnson

Kauffman Kelley 47 Kelly 27 Kennedy Koller

Lawson Lograsso Long Lumpe Marble

Mays 50 McBride McClelland McLuckie Merideth

Nordwald O'Connor Ostmann Parker Pouche

Pryor Ransdall Reinhart Relford Ross

Sallee Schilling Seigfreid Shelton 57 Shields

Skaggs Smith Steen Summers Surface

Tate Townley Vogel Wannenmacher Williams 159

Wooten

PRESENT: 000

ABSENT WITH LEAVE: 010

Goward Gratz Hand Hoppe Linton

Overschmidt Patek Reynolds Ridgeway Sheldon 104

Speaker Gaw resumed the Chair.

**SIGNING OF SENATE BILL**

All other business of the House was suspended while **SB 70** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Representative Scheve resumed the Chair.

**THIRD READING OF HOUSE BILL**

**HS HCS HB 282** was placed on the Informal Calendar.

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**HB 570, as amended**, relating to school bus safety, was taken up and placed back on the Informal Calendar.

**HCS HBs 155, 81 and 171**, relating to state income tax, was taken up and placed back on the Informal Calendar.

**HCS HBs 426, 576 and 567**, relating to employers and employees, was taken up and placed back on the Informal Calendar.

**HB 435, with House Committee Amendment Nos. 1, 2, 3, 4 and 5**, relating to economic development, was taken up and placed back on the Informal Calendar.

**HCS HB 396**, relating to hotel operators, was taken up and placed back on the Informal Calendar.

**HCS HBs 748 and 605**, relating to health insurance, was taken up and placed back on the Informal Calendar.

**HCS HB 146**, relating to state income tax, was taken up and placed back on the Informal Calendar.

**HCS HBs 436 and 260**, relating to bail bondsmen, was taken up and placed back on the Informal Calendar.

**HCS HB 349, as amended, HS, adopted, pending**, relating to outdoor advertising, was taken up and placed back on the Informal Calendar.

**HB 850**, relating to administrative rulemaking, was taken up and placed back on the Informal Calendar.

**HCS HBs 723, 789 and 372, as amended**, relating to domestic relations, was taken up and placed back on the Informal Calendar.

**PERFECTION OF HOUSE BILL**

**HCS HBs 508 and 145**, relating to elderly shared care, was taken up by Representative Stokan.

Representative Kelly (27) offered House Amendment No. 1.

*House Amendment No.1*

AMEND House Committee Substitute for House Bill Nos. 508 and 145, Page 5, Section 660.078, Line 34, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the

year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Kelly (27), House Amendment No. 1 was adopted.

On motion of Representative Stokan, **HCS HBs 508 and 145, as amended,** was adopted.

On motion of Representative Stokan, **HCS HBs 508 and 145, as amended,** was ordered perfected and printed.

**COMMITTEE REPORTS**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **SB 358**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1, 2 and 3.**

*House Committee Amendment No. 1*

Amend Senate Bill No. 358, Page 4, Section 210.150, Line 92 by inserting immediately after the word "**person**" the words "**or child care facility**".

*House Committee Amendment No. 2*

AMEND Senate Bill No. 358, Page 4, Section 210.150, Line 102, by inserting after the word "**neglect**" the following: "**. The response shall be given within ten working days of the time it was received by the division**"; and

Further amend said bill, Page 7, Section 210.498, Line 15, by inserting after the word "**revoked.**" the following: "**The response shall be given within ten working days of the time it was received by the division.**".

*House Committee Amendment No. 3*

AMEND Senate Bill No. 358, Page 1, In the Title, Line 2, by inserting after the number "1994," the words and number "and section 210.109, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 210.150, RSMo 1994, and section 210.109, RSMo Supp. 1996, are repealed and three new sections enacted in lieu thereof, to be known as sections 210.109, 210.150 and 210.498, to read as follows:

210.109. 1. [By January 1, 1995,] The division of family services shall establish a child protection system in [five] **eight** areas of the state selected by the division.

2. The child protection system shall seek to promote the safety of children and the integrity and preservation of

their families by conducting investigations or family assessments in response to reports of child abuse or neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In implementing the child protection system, the division shall:

(1) Receive and maintain reports pursuant to the provisions of subsections 1 and 2 of section 210.145;

(2) Forward the report to the appropriate division staff who shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. The division may investigate any report, but shall conduct an investigation involving reports, which if true, would constitute a violation of section 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;

(3) Communicate reports of child abuse or neglect to the appropriate local office, pursuant to the provisions of subsection 4 of section 210.145;

(4) Contact the appropriate law enforcement agency upon receipt of a report of a violation of section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes, and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the division in the investigation or provide the division, within a reasonable time, an explanation in writing detailing the reasons why it is unable to assist;

(5) Cause a thorough investigation or family assessment and services approach to be initiated within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation or family assessment and services approach shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation or family assessment and services approach shall include direct observation of the subject child within twenty-four hours of the receipt of the report;

(6) Investigate, if it is determined that an investigation is necessary, in compliance with the provisions of section 210.145;

(7) Assess, in cases where the family assessment and services approach is used, any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(8) Provide services, in cases in which the family assessment and services approach is used, which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(9) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(10) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed;

(11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. If law enforcement officers are involved in the investigation, they shall provide written agreement with this decision. The reason for the termination of the investigative process shall be documented in the record;

(12) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;

(13) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(14) Contact the person who made the report under section 210.115, pursuant to the provisions of section 210.145;

(15) Forward any evidence of malice or harassment to the local prosecuting or circuit attorney as required by the provisions of section 210.145;

(16) Provide services as required by section 210.145;

(17) Use multidisciplinary services as required by section 210.145;

(18) Update the information in the information system within thirty days of an oral report of abuse or neglect. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation or family assessment and services approach, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations or family assessments within thirty days, unless good cause for the failure to complete the investigation or assessment is documented in the information system. If the investigation or family assessment is not completed within thirty days the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter;

(19) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination.

4. By January 1, 1998, the division of family services shall submit documentation to the speaker of the house of representatives and the president pro tem of the senate on the success or failure of the child protection system established in this section. The general assembly may recommend statewide implementation or cancellation of the child protection system based on the success or failure of the system established in this section.

5. The documentation required by subsection 4 of this section shall include an independent evaluation of the child protection system completed according to accepted, objective research principles.".

**Committee on Urban Affairs**, Chairman Thompson (37) reporting:

Mr. Speaker: Your Committee on Urban Affairs, to which was referred **SB 212**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 124**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken

up and passed **HB 169**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 229**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 319**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 526**, entitled:

An act to repeal section 130.041, RSMo Supp. 1996, relating to campaign financial disclosures, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

Amend House Bill No. 526, Page 1, Section 130.041, Line 4, by striking the word "county" and inserting in lieu thereof the following: "**political party**"; and further amend said line, by striking the following: "two thousand five hundred" and inserting in lieu thereof the following: "**one thousand**".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 590**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 612**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 622**, entitled:

An act to repeal sections 376.562, 377.080 and 377.310, RSMo 1994, relating to certain charitable organizations, and to enact in lieu thereof three new sections relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 622, Page 1, Section 376.562, Line 3, by inserting after the word "**enforce**" the following: "**, in the absence of any fraud or coercion,**"; and

Further amend said bill, Page 2, Section 377.080, Line 10, by inserting after the word "**if**" the following: "**, in the absence of any fraud or coercion**"; and

Further amend said bill, Page 2, Section 377.310, Line 12, by inserting after the word "**if**" the following: "**, in the absence of any fraud or coercion**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken

up and passed **HB 626**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 712**, entitled:

An act to repeal section 115.300, RSMo Supp. 1996, relating to absentee ballots, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 712, Page 1, Section 115.300, Line 2, by striking the following: "[may] shall" and inserting in lieu thereof the following: "may".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 734**, entitled:

An act to repeal section 115.121, RSMo 1994, relating to general and primary elections, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

Amend House Bill No. 734, Page 1, Section In the Title, Line 3, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 1, Section A, Line 1, by striking the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the following: "section 115.121" and inserting in lieu thereof the following: "sections 115.121 and 1"; and

Further amend said bill, Page 1, Section 115.121, Line 7, by inserting immediately after all of said line the following:

"**Section 1. The provisions of section 115.123, RSMo, to the contrary notwithstanding, any county, city, town or village may hold an election on the first Tuesday after the first Monday in August, 1997.**

Section B. Because immediate action is necessary for voters to exercise their voting rights, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 761**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 769**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 2**, entitled:

An act to repeal sections 478.320 and 478.437, RSMo 1994, and section 487.020, RSMo Supp. 1996, relating to judges in the twenty-first judicial circuit, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 466**, entitled:

An act to amend chapter 67, RSMo, by adding thereto four new sections relating to sports complex authorities, with an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 258 & 228**, entitled:

An act to repeal sections 67.400, 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1996, relating to certain political subdivisions, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 386 & 372**, entitled:

An act to repeal sections 536.017, 536.021 and 536.022, RSMo 1994, and sections 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 108**, entitled:

An act to repeal section 305.230, RSMo 1994, and section 43.265, RSMo Supp. 1996, relating to airports, and to enact two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SJR 13**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri relating to initiative petitions, and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 319**, entitled:

An act to repeal section 191.331, RSMo 1994, relating to newborn testing, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 248**, entitled:

An act to repeal sections 217.730, 302.225, 374.715, 429.470, 429.490, 476.010, 476.050, 476.055, 477.010, 509.030, 511.500, 513.045, 543.335, 545.040, 545.050, 545.060, 545.070, 545.240, 545.270, RSMo 1994, sections 217.305, 302.020, 302.341, 477.600, 478.466, 488.015, 488.020, 512.050, 559.027, 559.029 and 577.051, RSMo Supp. 1996, sections 57.290, 67.133, 429.090, 429.120, 452.345, 476.053, 479.260 and 511.510, as both versions of such sections appear in RSMo Supp. 1996, and section 595.045, RSMo Supp. 1996, contained in house committee substitute for senate bill 769, truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly, relating to courts, and to enact in lieu thereof forty-four new sections relating to the same subject, with an emergency clause and an expiration date for a certain section.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 168**, entitled:

An act to repeal sections 143.105, 143.106, 143.107, 160.545, 163.161, 167.270, 167.275 and 174.125, RSMo 1994, and sections 166.275 and 167.117, RSMo Supp. 1996, relating to education, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Representative Reynolds.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, April 29, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-ninth Day, Wednesday, April 23, 1997, page 1293, Line 11, by deleting "HB 356" and inserting in lieu thereof; "SCS HCS HB 356".

Correct House Journal, Sixtieth Day, Thursday, April 24, 1997, page 1336, Line 27, by deleting "HB 709" and inserting in lieu thereof; "HCS HB 709".

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Wednesday, April 30, 1997, 8:30 am. Hearing Room 1.

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 30, 1997, 1:30 pm. Hearing Room 9. Executive session.

To be considered - SB 449

BUDGET

Tuesday, April 29, 1997, 8:30 am. Hearing Room 9. Mark-up on capital improvement bill. Executive session.

To be considered - HB 18

CHILDREN, YOUTH, AND FAMILIES

Tuesday, April 29, 1997, 8:00 am. Hearing Room 5.

To be considered - Executive Session - SB 51

CRIMINAL LAW

Wednesday, April 30, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 275

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, April 29, 1997. Hearing Room 8 upon morning adjournment.

To be considered - Executive Session - SCR 23

EDUCATION - HIGHER

Wednesday, April 30, 1997, 1:00 pm. Hearing Room 8. Executive session.

ELECTIONS

Tuesday, April 29, 1997, 8:30 am. Side gallery. Executive session.

To be considered - SB 132

ENVIRONMENT AND ENERGY

Wednesday, April 30, 1997. Side gallery upon morning adjournment.

To be considered - Executive Session - SB 72

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 30, 1997, 9:30 am. Hearing Room 7. Executive session may follow.

To be considered - HR 725, HCR 31, SCR 21

PROFESSIONAL REGISTRATION & LICENSING

Tuesday, April 29, 1997, 9:30 am. Room 401B. Executive session.

WAYS AND MEANS

Tuesday, April 29, 1997. Hearing Room 1 and 2 upon morning adjournment.

Executive session to follow.

To be considered - SB 345, SB 457

**HOUSE CALENDAR**

SIXTY-SECOND DAY, TUESDAY, APRIL 29, 1997

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

HB 15, HCA 1 - Lumpe

HB 16, HCA 1 - Lumpe

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending, - Shear

3 HB 135, HCAs 1 & 2 - Dougherty

4 HB 190 - Rizzo

5 HCS HB 336 - Green

6 HCS HB 635 - Kennedy

7 HCS HB 582 - Schilling

8 HCS HB 509 - Bland

9 HCS HB 434, 624 & 676 - Long

10 HB 267 - Overschmidt

11 HCS HB 724 - Riback Wilson

12 HB 108 - Scheve

13 HB 423, HCA 1 - Backer

14 HB 848 - DeMarce

15 HCS HB 511 - Graham (24)

16 HB 497, HCA 1 - Naeger

17 HB 106 - Bland

18 HB 753 - Broach

19 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HCS HB 349, as amended, HS, adopted, pending - Koller

10 HB 850 - Kelly (27)

11 HCS HB 723, 789 & 372, as amended, - Dougherty

**HOUSE BILLS FOR THIRD READING**

1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross

2 HB 777, (Budget Fiscal 4-21-97) - Hosmer

3 HCS HB 697, (Budget Fiscal 4-17-97) - Relford

4 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

5 HB 232, (Budget Fiscal 4-21-97) - Dougherty

6 HCS HB 641 & 593, (Budget Fiscal 4-21-97) - Fitzwater

7 HS HB 513, (Budget Fiscal 4-21-97) - Clayton

8 HB 578, (Budget Fiscal 4-21-97) - Williams (121)

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

HS HCS HB 282 - Kissell

**SENATE JOINT RESOLUTION FOR SECOND READING**

SJR 13

**SENATE BILLS FOR SECOND READING**

1 SB 2

2 SB 108

3 SS SCS SB 168

4 SS SB 248

5 SCS SB 258 & 228

6 SCS SB 319

7 SS SCS SB 386 & 372

8 SS SB 466

**SENATE BILLS FOR THIRD READING**

**1 HCS SB 19, (Budget Fiscal 4-23-97) - Hollingsworth**

**2 SB 29 - Kelly (27)**

**3 SB 315, HCAs 1 & 2, (Budget Fiscal 4-24-97) - Koller**

**4 SB 24, (Budget Fiscal 4-24-97) - Shear**

**5 HCS SCS SB 265 - Smith**

**6 HCS SB 303 - Hoppe**

**7 SB 261 - Kreider**

**8 HCS SB 142, (Budget Fiscal 4-28-97) - May (108)**

**9 SB 6 - Clayton**

**10 SS SB 367, (Budget Fiscal 4-24-97) - Crump**

BILLS CARRYING REQUEST MESSAGES

HB 327, SCA1 (Reg. Sen recede/grant House conf) - McBride

SCS HB 318, (Reg. Sen. recede/grant House conf, conferees be allowed to exceed differences on Section 321.300) - Clayton

BILLS IN CONFERENCE

1 CCR SCS HCS HB 2 - Franklin

2 CCR SCS HCS HB 3, as amended, - Franklin

3 CCR SCS HCS HB 4 - Green

4 CCR SCS HCS HB 5, as amended, - Green

5 CCR SCS HCS HB 6, as amended, - Tate

6 CCR SCS HCS HB 7, as amended, - Tate

7 CCR SCS HCS HB 8, as amended, - Franklin

8 CCR SCS HCS HB 9, as amended, - Lakin

9 SCS HCS HB 10 - Carter

10 SCS HCS HB 11 - Lakin

11 SCS HCS HB 12, as amended, - Green/Franklin

SENATE CONCURRENT RESOLUTIONS

HCS SCS SCR 7, (4-10-97, pgs. 1034 & 1035) - Burton

SCR 17, (2-20-97, pgs. 399 & 400) - Boucher

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 497, (4-16-97 pgs 1153 & 1154) - DeMarce

HR 345, (4-16-97 pg. 1153) - Gratz

HR 409, (4-9-97 pgs. 999 & 1000) - Smith

HR 329, (4-16-97 pg. 1153) - Crawford

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-SECOND DAY, Tuesday, April 29, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"O Lord, you are our potter, we are all the work of your hands." (Is. 64:7).

The national appeal for volunteers which has been launched includes much commentary about the bully pulpit available to the President for rallying the nation around issues.

Gracious God, this morning we ask for the wisdom to recognize the moral influence we all exert in our own way. May we neither exaggerate nor diminish the impact we have on others, nor under-estimate the wide divergence of opinion there exists at this time in the citizenry about what is right, what is wrong, what is tolerable and what is good public policy. We do this knowing that failure and sin are with us and the ideal is yet to be reached by each of us as individuals and by all of us together. May we build consensus with the patience which such construction takes, knowing that You, our God, are the potter in Isaiah's image, we must be open to being molded. May we see ourselves not as isolated units, but as somehow being part of the one fabric, each with a special place and role in making the whole, with personal rights but social responsibilities toward the good of all. There is only so much good we can do in each legislative session, or in any one day of our lives, may we do what is possible and be patient until tomorrow. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Reva Hertlein, Alex Mackey, Eric Hilden, Katie Wasser, Joel Lamb, Antoya Howard, Antonio Parrot, Brady Choat, David Wiskur, David Benware, Christina Dunham, Tiffany President, Aaron Mysliwski, Matt Garrett, Jessica Huffman, Jenna Oldham, Dana Martin, David Stoecklein, Maria Mortenson, Allison Terveer, Kaylum Price, Laura Pelsue, Emma Honeyman, Damarious Hurst, Megan Van Berkel, Elliott Giles, Andrea Winter and Kristin Scott.

The Journal of the sixty-first day was approved as corrected.

**RESOLUTIONS**

Representative Purgason offered House Resolution Nos. 879 and 880, which were referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution Nos. 881 through 969, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF SENATE JOINT RESOLUTION**

**SJR 13** was read the second time.

**SECOND READING OF SENATE BILLS**

**SB 2, SB 108, SS SCS SB 168, SS SB 248, SCS SBs 258 & 228, SCS SB 319, SS SCS SBs 386 & 372** and **SS SB 466** were read the second time.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 249**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HB 15, with House Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, House Committee Amendment No. 1 was adopted.

On motion of Representative Lumpe, **HB 15, as amended,** was ordered perfected and printed.

**HB 16, with House Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, House Committee Amendment No. 1 was adopted.

On motion of Representative Lumpe, **HB 16, as amended,** was ordered perfected and printed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 793**, entitled:

An act to repeal sections 374.205, 375.355 and 379.080, RSMo 1994, relating to insurance companies, and to enact in lieu thereof five new sections relating to the same subject.

With Senate Perfecting Amendment No. 1

*Senate Perfecting Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 793, Page 11, Section 376.311, Line 51, by striking "Maintain" and inserting in lieu thereof the words "**The pool manager shall maintain**".

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 386**, entitled:

An act relating to public nuisances.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS #2 SB 161**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 376**, entitled:

An act to amend chapter 306, RSMo, by adding thereto five new sections relating to the regulation of vessels, with penalty provisions and an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 225 & 3**, entitled:

An act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 404**, entitled:

An act to repeal section 477.010, RSMo 1994, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency Clause Defeated.

In which the concurrence of the House is respectfully requested.

**MOTION**

Representative Kelly (27) moved that the House refuse to recede from its position on **HCS # 2 SB 161** and grant the Senate a conference.

Which motion was adopted.

**APPOINTMENT OF CONFEREES**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS # 2 SB 161**: Representatives Kelly (27), Smith, Clayton, Lograsso and Ridgeway.

Representative Dougherty assumed the Chair.

**BILLS IN CONFERENCE**

**CCR SCS HCS HB 2**, relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **CCR SCS HCS HB 2** was adopted by the following vote:

AYES: 149

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Green
Griesheimer Gross Gunn Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Lograsso Long
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 008

Akin Chrismer Gratz Hall Hohulin

Linton Loudon Murphy

PRESENT: 000

ABSENT WITH LEAVE: 006

Hagan-Harrell Hand Hoppe Liese Reynolds

Thompson 37

On motion of Representative Franklin, **CCS SCS HCS HB 2** was read the third time and passed by the following vote:

AYES: 148

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Green Griesheimer

Gross Gunn Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Lograsso Long Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 007

Akin Chrismer Gratz Hall Linton

Loudon Murphy

PRESENT: 000

ABSENT WITH LEAVE: 008

Ford Hagan-Harrell Hand Hohulin Hoppe

Liese Reynolds Thompson 37

Representative Dougherty declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**CCR SCS HCS HB 3, as amended,** relating to appropriations, was taken up by Representative Franklin.

On motion of Representative Franklin, **CCR SCS HCS HB 3, as amended**, was adopted by the following vote:

AYES: 150

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hosmer Howerton Johnson

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 006

Akin Chrismer Hall Hohulin Linton

Loudon

PRESENT: 000

ABSENT WITH LEAVE: 007

Ford Hagan-Harrell Hand Hoppe Kasten

Reynolds Thompson 37

On motion of Representative Franklin, **CCS SCS HCS HB 3** was read the third time and passed by the following vote:

AYES: 145

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Foley Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Akin Chrismer Hall Linton Loudon

PRESENT: 000

ABSENT WITH LEAVE: 013

Bray 84 Fitzwater Ford Foster Hagan-Harrell

Hand Harlan Hohulin Hoppe Kelly 27

Reynolds Treadway Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 4**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **CCR SCS HCS HB 4** was adopted by the following vote:

AYES: 153

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Green Griesheimer Gross
Gunn Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Thompson 37 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Akin Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel 42 Foley Ford Gratz Hagan-Harrell

Hand Hoppe Reynolds

On motion of Representative Green, **CCS SCS HCS HB 4** was read the third time and passed by the following vote:

AYES: 150

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Green Griesheimer Gross Gunn

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 012

Akin Bauer Davis 63 Edwards-Pavia Ford
Gratz Hagan-Harrell Hand Hoppe Reynolds
Schwab Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Daniels (41), title to the bill was agreed to.

Representative Davis (122) moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

. **CCR SCS HCS HB 5, as amended,** relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **CCR SCS HCS HB 5, as amended,** was adopted by the following vote:

AYES: 123

Alter Auer Backer Barnett 4 Barry 100
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Evans Farmer Farnen Fitzwater Foley
Franklin Fritts Froelker Gibbons Goward
Graham 24 Graham 106 Green Griesheimer Gunn
Harlan Hartzler 123 Heckemeyer Hegeman Hickey
Holand Hollingsworth Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Long

Loudon Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Monaco

Murphy Murray Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Stokan Stoll

Stroker Tate Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 033

Akin Ballard Bartelsmeyer Berkstresser Boatright

Chrismer Cierpiot Crawford Elliott Enz

Foster Gaskill Gaston Gross Hall

Hartzler 124 Hendrickson Hohulin Linton Lograsso

Marble Miller Naeger Patek Pryor

Purgason Ridgeway Smith Steen Summers

Surface Thomason 163 Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Ford Gratz Hagan-Harrell Hand Hoppe

Reynolds Thompson 37

On motion of Representative Green, **CCS SCS HCS HB 5** was read the third time and passed by the following vote:

AYES: 114

Alter Auer Backer Barnett 4 Barry 100

Bauer Bennett 15 Bland Bonner Boucher

Bray 84 Burton Campbell Carter Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Evans Farmer Farnen

Fitzwater Foley Franklin Fritts Froelker
Gibbons Goward Graham 24 Graham 106 Green
Griesheimer Gunn Harlan Hartzler 123 Heckemeyer
Hegeman Hickey Holand Hollingsworth Hosmer
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Long
Loudon Luetkenhaus Lumpe May 108 Mays 50
McBride McClelland McLuckie Monaco Murphy
Murray Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Pouche Ransdall Reinhart
Relford Rizzo Ross Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Stoll
Stroker Tate Thomason 163 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 036

Akin Ballard Bartelsmeyer Berkstresser Boatright
Broach Chrismer Crawford Edwards-Pavia Elliott
Enz Foster Gaskill Gaston Gross
Hall Hartzler 124 Hendrickson Hohulin Howerton
Linton Lograsso Marble Merideth Miller
Patek Pryor Purgason Richardson Robirds
Sallee Smith Steen Summers Surface
Townley

PRESENT: 000

ABSENT WITH LEAVE: 013

Champion Cierpiot Ford Gratz Hagan-Harrell
Hand Hoppe Liese Naeger Reynolds
Ridgeway Stokan Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Foley, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HCS HB 6, as amended,** relating to appropriations, was taken up by Representative Tate.

Representative Tate moved that the House adopt **CCR SCS HCS HB 6, as amended.**

Representative Donovan made a substitute motion that the House refuse to adopt **CCR SCS HCS HB 6, as amended,** and request the Senate to grant the House a further conference.

Representative Lumpe raised a point of order that the substitute motion is a negative motion.

The Chair ruled the point of order well taken.

Speaker Pro Tem Kreider assumed the Chair.

Representative Tate again moved that **CCR SCS HCS HB 6, as amended,** be adopted.

Which motion was defeated by the following vote:

AYES: 058

Backer Bland Boucher Bray 84 Burton
Campbell Clayton Cooper Copeland Crump
Daniels 41 Davis 122 Days DeMarce Dougherty
Farmer Fitzwater Franklin Fritts Graham 24
Graham 106 Harlan Heckemeyer Hosmer Johnson
Kauffman Kelly 27 Koller Kreider Lakin
Lawson Lumpe May 108 Mays 50 McBride
McClelland McLuckie Monaco Parker Ransdall
Relford Rizzo Schilling Seigfreid Shear
Smith Stokan Stroker Summers Tate
Thomason 163 Troupe Van Zandt Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 099

Akin Alter Auer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Broach Carter Champion
Chrismer Cierpiot Crawford Daniel 42 Davis 63
Dolan Donovan Edwards-Pavia Elliott Enz
Evans Farnen Foley Foster Froelker
Gaskill Gaston Gibbons Goward Gratz

Green Griesheimer Gross Gunn Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Howerton Kasten

Kelley 47 Kennedy Kissell Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Marble Merideth Miller

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Robirds Ross Sallee Scheve Schwab

Scott Secrest Sheldon 104 Shelton 57 Shields

Skaggs Steen Stoll Surface Townley

Treadway Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 006

Ford Hagan-Harrell Hand Hoppe Reynolds

Thompson 37

Representative Tate moved that the House refuse to adopt **CCR SCS HCS HB 6, as amended,** and request the Senate to grant the House a further conference.

Which motion was adopted.

**THIRD READING OF SENATE BILLS**

**SB 29**, relating to Missouri-Nebraska Boundary Compact, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **SB 29** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hosmer Howerton Johnson
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stokan Stoll Stroker Summers Surface
Tate Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Ford Hand Hoppe Kasten Loudon
Murphy Reynolds Smith Thomason 163 Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Harlan moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 265**, relating to durable power of attorney and probate, was taken up by Representative Smith.

On motion of Representative Smith, **HCS SCS SB 265** was adopted.

On motion of Representative Smith, **HCS SCS SB 265** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Ford Hagan-Harrell Hand Hoppe Kelley 47
Reynolds Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fritts, title to the bill was agreed to.

Representative Heckemeyer moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

Representative Scheve assumed the Chair.

**SB 261**, relating to civil air patrol, was taken up by Representative Kreider.

On motion of Representative Kreider, **SB 261** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kauffman
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Linton Lograsso Long Loudon Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Rizzo Robirds Ross Sallee
Scheve Schilling Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Ford Gunn Hagan-Harrell Hand Hoppe
Kelley 47 Liese Luetkenhaus Reynolds Ridgeway
Schwab Thompson 37

Representative Scheve declared the bill passed.

On motion of Representative Johnson, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Lakin moved that motion lay on the table.

The latter motion prevailed.

**SB 6**, relating to uniform commercial code, was taken up by Representative Clayton.

On motion of Representative Clayton, **SB 6** was truly agreed to and finally passed by the following vote:

AYES: 149

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Green Griesheimer

Gross Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hosmer Howerton Johnson

Kasten Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lawson Leake Legan

Levin Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Akin Dolan Ford Gratz Gunn

Hagan-Harrell Hand Hoppe Kelley 47 Lakin

Liese Reynolds Ridgeway Thompson 37

Representative Scheve declared the bill passed.

On motion of Representative Leake, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

**RESOLUTIONS**

Representative Relford offered House Resolution Nos. 970 through 973, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lograsso and Bartelsmeyer offered House Resolution No. 974, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Sallee offered House Resolution No. 975, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ridgeway, et al, offered House Resolution Nos. 976 through 979, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**SUPPLEMENTAL CALENDAR**

(April 29, 1997)

**SENATE BILLS FOR THIRD READING**

1 SB 459 - Thomason (163)

2 SB 264 - (Budget Fiscal 4-29-97) - Thomason (163)

3 HCS SB 170, E.C. - May (108)

4 HCS SB 218 - Crump

5 SB 212 - Thompson (37)

6 SB 176 - (Budget Fiscal 4-29-97) -

7 HCS SCS SB 16 - Backer

8 HCS SCS SB 263, E.C. - Mays (50)

9 HCS SB 298 - Rizzo

10 SB 334, HCA 1 - Shelton (57)

11 SB 340 - Green

12 HCS SCS SB 56 - May (108)

**REFERRAL OF SENATE JOINT RESOLUTION**

The following Senate Joint Resolution was referred to the Committee indicated:

**SJR 13** - Elections

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 2** - Judiciary

**SB 108** - Transportation

**SB 176** - Budget (Fiscal Note)

**SCS SBs 258 & 228** - Commerce

**SS SB 248** - Judiciary

**SB 264** - Budget (Fiscal Note)

**SCS SB 319** - Critical Issues

**SS SCS SBs 386 & 372** - Civil and Administrative Law

**PERFECTION OF HOUSE BILLS**

**HB 135, with House Committee Amendment Nos. 1 and 2**, relating to fuel conservation, was taken up by Representative Dougherty.

On motion of Representative Dougherty, House Committee Amendment No. 1 was adopted.

On motion of Representative Dougherty, House Committee Amendment No. 2 was adopted.

Representative Dougherty offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 135, Page 1, In the Title, Line 2, by deleting the word and number "and 414.415" and inserting in lieu thereof the following: "414.415 and 643.310"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word and number "and 414.415" and inserting in lieu thereof the following: "424.415 and 643.310"; and

Further amend said bill, Page 6, Section 414.415, Line 12, by inserting after all of said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305[, except that no motor vehicle emission inspection program shall be established under this section in any area for which the sale or dispensing of conventional gasoline for use in motor vehicles is prohibited under the federal Clean Air Act, as amended, 42 U.S.C. 7545]. The commission shall ensure that, for each nonattainment area, the state implementation plan established [under] **pursuant to** subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established [under] **pursuant to** subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the

United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated [under] **pursuant to** this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission [under] **pursuant to** this section in lieu of the provisions of section 307.366, RSMo.

2. The department shall contract with one or more persons to provide any motor vehicle emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355.

3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program [under] **pursuant to** this section.

6. With approval of the commission and [under] **pursuant to** rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and under rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person

establishing the facility. The inspections performed in facilities established [under] **pursuant to** this subsection shall be performed by a contractor selected by the commission [under] **pursuant to** this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri Analyzer System emission inspection equipment used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.".

On motion of Representative Dougherty, House Amendment No. 1 was adopted.

On motion of Representative Dougherty, **HB 135, as amended,** was ordered perfected and printed.

**HB 190**, relating to acupuncture was taken up by Representative Rizzo.

Representative Ransdall offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 190, Page 1, Section 1, Line 3, by striking the following words "and all other techniques of Oriental Medicine, both traditional and modern,"; and

Further amend said bill, Page 1, Section 1, Line 7, by striking all of lines 7, 8, 9, 10 and 11.

On motion of Representative Ransdall, House Amendment No. 1 was adopted.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Bill No. 190, Page 5, Section 8, Line 23, by adding immediately after said line, the following:

Section 9. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the

year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 2 was adopted.

Representative Naeger offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Bill No. 190, In the Title, Line 2, by deleting the words "acupuncturists, with penalty provisions" and inserting in lieu thereof the words "certain health care professionals, with penalty provisions and with an effective date for certain sections"; and

Further amend said bill, Page 5, Section 8, Line 23, by inserting after all of said line the following:

"**Section 10. Sections 10 to 28 of this act shall be known and may be cited as the "Clinical Perfusionist Licensure Act".**

**Section 11. For the purposes of sections 10 to 28 of this act, the following terms mean:**

**(1) "Board", the perfusionist licensing board created in section 12 of this act;**

**(2) "Division", the division of professional registration of the department of economic development;**

**(3) "Extracorporeal circulation", the diversion of a patient's blood through a heart-lung machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver or other organs;**

**(4) "Licensed clinical perfusionist", a person licensed pursuant to sections 10 to 28 of this act;**

**(5) "Perfusion", the functions necessary for the support, treatment, measurement or supplementation of the cardiovascular, circulatory, respiratory systems or other organs, or a combination of such activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under an order and under the supervision of a licensed physician, including:**

**(a) The use of extracorporeal circulation, long-term cardiopulmonary support techniques including extracorporeal carbon-dioxide removal and extracorporeal membrane oxygenation and associated therapeutic and diagnostic technologies;**

**(b) Counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support and isolated limb perfusion;**

**(c) The use of techniques involving blood management, advanced life support and other related functions; and**

**(d) In the performance of the acts described in this subdivision:**

**a. The administration of:**

**i. Pharmacological and therapeutic agents;**

**ii. Blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician;**

**b. The performance and use of:**

**i. Anticoagulation monitoring and analysis;**

**ii. Physiologic monitoring and analysis;**

**iii. Blood gas and chemistry monitoring and analysis;**

**iv. Hematologic monitoring and analysis;**

**v. Hypothermia;**

**vi. Hemoconcentration and hemodilution;**

**vii. Hemodialysis;**

**c. The observation of sign and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics and the implementation of appropriate reporting, clinical perfusion protocols or changes in, or the initiation of, emergency procedures;**

**(6) "Perfusion protocols", perfusion related policies and protocols developed or approved by a licensed health care facility or a physician through collaboration with administrators, licensed clinical perfusionists and other health care professionals;**

**(7) "Provisional clinical licensed perfusionist", a person provisionally licensed pursuant to sections 10 to 28 of this act.**

**Section 12. 1. The "Perfusionist Licensing Board" is hereby created within the division of professional registration of the department of economic development. The perfusionist licensing board shall consist of six perfusionist members and one public member which shall be appointed by the governor with the advice and consent of the senate. The members of the board shall be appointed for terms of six years; except those first appointed, of which one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years, one shall be appointed for a term of five years and one shall be appointed for a term of six years. Each nonpublic board member shall be a resident of the state of Missouri for one year, shall be a United States citizen and shall meet all the requirements for licensing provided in sections 10 to 28 of this act, shall be licensed pursuant to sections 10 to 28 of this act, except the members of the first board, who shall be licensed within six months of their appointment and are actively engaged in the practice of perfusion. If a member of the board shall, during the member's term as a board member, remove the member's domicile from the state of Missouri, then the board shall immediately notify the governor and the seat of that board member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the preceding appointment. The public member shall be at the time of the member's appointment a citizen of the United States; a resident of the state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 10 to 28 of this act or the spouse of such person; a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by sections 10 to 28 of this act, or an activity or organization directly related to any profession licensed or regulated by sections 10 to 28 of this act.**

**2. A member of the board may be removed if, the member:**

**(1) Does not have, at the time of appointment, the qualifications required for appointment to the board;**

**(2) Does not maintain during service on the board the qualifications required for appointment to the board;**

**(3) Violates any provision of sections 10 to 28 of this act;**

**(4) Cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or**

**(5) Is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the board.**

**Section 13. 1. Not later than thirty days after the governor appoints the initial members of the board and annually thereafter, the board shall meet and elect one of its members as chairperson and one of its members as vice chairperson. The board shall meet at least quarterly or at any other time if called by the chairperson or a majority of the board. A majority of the members of the board shall constitute a quorum. The members of the board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.**

**2. All fees payable pursuant to sections 10 to 28 of this act shall be collected by the division of professional registrations and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Licensed Perfusionists Fund", which is hereby created. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of a biennium exceeds two times the amount appropriated from the fund in the preceding fiscal year or, if the board requires by rule license renewal less frequently than annually, then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriation from the board's fund for the preceding fiscal year.**

**Section 14. 1. The board may promulgate administrative rules not inconsistent with sections 10 to 28 of this act necessary to administer the provisions of sections 10 to 28 of this act as provided in chapter 536, RSMo. No rule or portion of a rule promulgated pursuant to the authority of sections 10 to 28 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.**

**2. The board shall:**

**(1) Adopt and publish a code of ethics;**

**(2) Establish the qualifications and fitness of applicants of licenses, renewal of licenses and reciprocal licenses;**

**(3) Revoke, suspend or deny a license, suspend a license or reprimand a license holder for a violation of sections 10 to 28 of this act, the code of ethics or the rules adopted by the board;**

**(4) Provide for the expenditure of funds necessary for the proper administration of its assigned duties;**

**(5) Establish reasonable and necessary fees for the administration and implementation of sections 10 to 28 of this act. Fees shall be established at a rate that does not significantly exceed the cost of administering the provisions of sections 10 to 28 of this act;**

**(6) Establish continuing professional education requirements for licensed clinical perfusionists and provisional licensed clinical perfusionists, the standards of which shall be at least as stringent as those of the American Board of Cardiovascular Perfusion or its successor agency;**

**(7) Within the limits of its appropriation, employ and remove board personnel, as defined in subdivision (4) of subsection 24 of section 620.010, RSMo, as may be necessary for the efficient operation of the board.**

**3. The division shall provide clerical and any other assistance needed by the board necessary for the administration of sections 10 to 28 of this act.**

**Section 15. 1. An applicant for a perfusionist license shall submit a sworn application accompanied by the required fees. The board shall prescribe the form of the application and by rule may establish dates by which applications and fees must be received.**

**2. To qualify for the licensing examination, the applicant shall have successfully completed a perfusion education program approved by the board. In approving perfusion education programs necessary for qualification for licensing examination, the board shall approve only a program that has educational standards that are at least as stringent as those established by the Accreditation Committee for Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs or its successor.**

**Section 16. 1. To qualify for a license, an applicant shall pass a competency examination. Examinations shall be prepared or approved by the board and administered to qualified applicants at least once each calendar year. An examination prescribed by the board may be, or may include, the complete certification examinations given by the American Board of Cardiovascular Perfusion or its successor or a state testing service in lieu of an examination prepared by the board.**

**2. Not later than forty-five days after the date on which a licensing examination is administered pursuant to sections 10 to 28 of this act, the division shall notify each examinee of the results of the examination.**

**3. The board by rule shall establish:**

**(1) A limit on the number of times an applicant who fails an examination may retake the examination; and**

**(2) The requirements for reexamination and the amount of any reexamination fee.**

**Section 17. A person licensed pursuant to the provisions of sections 10 to 28 of this act shall display the license certificate issued pursuant to sections 10 to 28 of this act in a prominent place at the site, location or office from which such person practices such person's profession or such license holder shall maintain on file at all times during which the license holder provides services in a health care facility a true and correct copy of the license certificate in the appropriate records of the facility. A license holder shall inform the division of any change of address for the license holder. A license certificate issued by the board is the property of the board and shall be surrendered upon demand.**

**Section 18. 1. The board may establish by administrative rule a system which provides that licenses expire on various dates. A person may renew an unexpired license by submitting proof satisfactory to the board of compliance with the continuing professional education requirements prescribed by the board and paying the required renewal fee to the board before the expiration date of the license.**

**2. If a person's license has been expired for not more than two years, the person may renew the license by submitting proof, satisfactory to the board, of compliance with the continuing professional education requirements prescribed by the board and any penalty fee prescribed by the board.**

**3. If a person's license has been expired two years or more, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the current requirements and procedures for obtaining a license.**

**4. The board may renew without reexamination an expired license of a person who was licensed in this state, moved to another state or states, and is currently appropriately licensed or certified and has been in practice in another state or states for two years immediately preceding the person's application to renew a license. The person shall be required to pay the required fee as established by the board.**

**5. The board shall notify each license holder in writing of the license expiration date before the thirtieth day before such date by notice to the license holder at the license holder's last known address according to the records of the board.**

**Section 19. 1. A license as a provisional licensed clinical perfusionist may be issued by the board to a person who has successfully completed an approved perfusion education program and the filing of an application, payment of an application fee and the submission of evidence satisfactory to the board of the successful completion of the education requirements as provided in section 15 of this act.**

**2. A provisional licensed clinical perfusionist shall be under supervision and direction of a licensed clinical perfusionist at all times during which the provisional licensed clinical perfusionist performs perfusion. The board may adopt rules governing such supervision and direction which do not require the immediate physical presence of the supervising licensed clinical perfusionist.**

**3. A provisional license shall be valid for one year from the date it is issued and may be renewed, subject to rules adopted by the board, by the same procedures established for the renewal of licenses pursuant to section 18 of this act, if the application for renewal is signed by a supervising licensed clinical perfusionist.**

**4. If the person fails any portion of the licensure examination, such person shall surrender the person's provisional license to the board.**

**Section 20. On receipt of an application and application fee, the board may waive the examination and educational requirements for an applicant who at the time of application:**

**(1) Is appropriately licensed or certified by another state, territory or possession of the United States, if the requirements of such state, territory or possession for the license or certificate are substantially equivalent to the requirements of sections 10 to 28 of this act as determined by the board; or**

**(2) Holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion, or its successor, prior to the effective date of sections 10 to 28 of this act.**

**Section 21. 1. A person may not engage or offer to engage in perfusion, as defined in sections 10 to 28 of this act, for compensation or use the title or represent or imply that the person has the title of "licensed clinical perfusionist" or "provisional licensed clinical perfusionist" or use the letters "LCP" or "PLCP" and may not use any facsimile of such titles in any manner to indicate or imply that the person is a licensed perfusionist or provisional licensed perfusionist unless the person holds an appropriate license issued pursuant to sections 10 to 28 of this act.**

**2. A person may not use the title or represent or imply that such person has the title of "certified clinical perfusionist" or use the letters "CCP" and may not use any facsimile of such title in any manner to indicate or imply that such person is a certified clinical perfusionist by the American Board of Cardiovascular Perfusion unless the person holds a certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion.**

**3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a class B misdemeanor.**

**Section 22. The provisions of sections 10 to 28 of this act shall not apply to:**

**(1) A person licensed as a health care professional pursuant to the Revised Statutes of Missouri, if:**

**(a) The person does not represent to the public, directly or indirectly, that the person is licensed pursuant to sections 10 to 28 of this act, and does not use any name, title or designation indicating that the person is licensed pursuant to sections 10 to 28 of this act; and**

**(b) The person limits the person's acts or practice to the scope of practice authorized by the appropriate licensing agency;**

**(2) A student enrolled in an accredited perfusion education program, if perfusion services performed by the student:**

**(a) Are an integral part of the student's course of study; and**

**(b) Are performed under the direct supervision of a licensed clinical perfusionist assigned to supervise the student and who is on duty and immediately available in the assigned patient care area;**

**(3) The practice of any legally qualified perfusionist employed by the United States government while in the**

**discharge of the person's official duties.**

**Section 23. 1. The board shall keep an information file about each complaint filed with the board. The board's information file shall be kept current and contain a record for each complaint of:**

**(1) All persons contacted in relation to the complaint;**

**(2) A summary of findings made at each step of the complaint process;**

**(3) An explanation of the legal basis and reason for a complaint that is dismissed; and**

**(4) Other relevant information.**

**2. If a written complaint is filed with the board that the board has authority to resolve, the board, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an ongoing investigation.**

**3. The board shall adopt by rule a form to standardize information concerning complaints made to the board. The board shall prescribe by rule information to be provided to a person when the person files a complaint with the board.**

**4. The board shall provide reasonable assistance to a person who wishes to file a complaint with the board.**

**Section 24. 1. The board shall adopt rules concerning the investigation of a complaint filed with the board. The rules adopted pursuant to this subsection shall:**

**(1) Distinguish between categories of complaints;**

**(2) Ensure that complaints are not dismissed without appropriate consideration;**

**(3) Require that the board be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the dismissed complaint;**

**(4) Ensure that the person who filed the complaint has an opportunity to explain the allegations made in the complaint; and**

**(5) Prescribe guidelines concerning the categories of complaints that require the use of a private investigator and the procedures for the board to obtain the services of a private investigator.**

**2. The board shall dispose of all complaints in a timely manner. The board shall establish a schedule for conducting each phase of a complaint that is under the control of the board not later than the tenth day after the date the complaint is received by the board. The schedule shall be kept in the information file for the complaint and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the schedule shall be noted in the complaint information file and all parties to the complaint shall be notified not later than five days after the date the change is made.**

**3. The executive director of the board shall notify the board of a complaint that extends beyond the time prescribed by the board for resolving the complaint so that the board may take necessary action on the complaint.**

**Section 25. The board shall develop by rule a system for monitoring license holder's compliance with the requirements of sections 10 to 28 of this act. Rules adopted pursuant to this section shall include procedures for monitoring a license holder who is ordered by the board to perform certain acts to ascertain that the license holder performs the required acts and to identify and monitor license holders who represent a risk to the public.**

**Section 26. The board shall revoke or suspend a license, place on probation a person whose license has been suspended or reprimand a license holder if there is proof of:**

**(1) Any violation of sections 10 to 28 of this act;**

**(2) Any violation of a rule or code of ethics adopted by the board; or**

**(3) Unprofessional conduct, which includes, but is not limited to, the following:**

**(a) Incompetence or gross negligence in carrying out usual perfusion functions;**

**(b) A conviction of practicing perfusion without a license or a provisional license;**

**(c) The use of advertising relating to perfusion in a way that violates state law;**

**(d) Procuring a license or provisional license by fraud, misrepresentation or mistake;**

**(e) Making or giving any false statement or information in connection with the application for a license or provisional license;**

**(f) Conviction of a felony or of any offense substantially related to the qualifications, functions and duties of a perfusionist, in which event the record of the conviction shall be conclusive evidence of such offense; or**

**(g) Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to sections 10 to 28 of this act for the issuance of a license.**

**Section 27. For the purposes of sections 10 to 28 of this act, the board:**

**(1) Shall request and receive necessary assistance from state educational institutions or other state agencies;**

**(2) Shall prepare a registry of licensed clinical perfusionists and provisional licensed clinical perfusionists and make this information available to the general public, license holders and appropriate state agencies;**

**(3) May request the attorney general or an appropriate prosecuting attorney to institute a suit to enjoin a violation of sections 10 to 28 of this act in addition to any other action, proceeding or remedy authorized by law.**

**Section 28. Notwithstanding the provisions of sections 10 to 28 of this act, a person is eligible to make application to the board and receive a license, if the person is actively engaged in the practice of perfusion consistent with sections 10 to 28 of this act and if the person meets one of the following requirements:**

**(1) The person, on the effective date of sections 10 to 28 of this act, was operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function and had been operating the system for at least the immediately preceding eight years; or**

**(2) The person has at least five years' experience, within the last eight years, operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as the person's primary function.**

Section A. The provisions of sections 10 to 28 of this act shall become effective on January 1, 1998."

On motion of Representative Naeger, House Amendment No. 3 was adopted.

Representative Loudon offered House Amendment No. 4.

Representative Green raised a point of order that House Amendment No. 4 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Rizzo, **HB 190, as amended,** was ordered perfected and printed.

**HCS HB 336**, relating to construction contracts, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 336** was adopted.

On motion of Representative Green, **HCS HB 336** was ordered perfected and printed.

**HCS HB 635**, relating to hepatitis immunizations, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HCS HB 635** was adopted.

On motion of Representative Kennedy, **HCS HB 635** was ordered perfected and printed.

**HCS HB 582**, relating to grand jury proceedings, was taken up by Representative Schilling.

On motion of Representative Schilling, **HCS HB 582** was adopted.

On motion of Representative Schilling, **HCS HB 582** was ordered perfected and printed.

**HCS HB 509**, relating to grandparents as foster parents program, was taken up by Representative Bland.

Representative Bennett offered House Amendment No. 1.

Representative Relford raised a point of order that House Amendment No. 1 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hartzler (124) offered House Amendment No. 1.

Representative Dougherty resumed the Chair.

House Amendment No. 1 was withdrawn.

On motion of Representative Bland, **HCS HB 509** was adopted.

On motion of Representative Bland, **HCS HB 509** was ordered perfected and printed.

**HCS HBs 434, 624 and 676**, relating to tourism tax, was taken up by Representative Long.

Speaker Pro Tem Kreider resumed the Chair.

Representative Long offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 434, 624 and 676, Page 1, Section 1, Line 3, by inserting immediately after the word "**county**" the words "**or a portion thereof**"; and

Further amend said bill, Page 2, Section 2, Line 19, by inserting immediately after the word "**county**" the words "**or a portion thereof**"; and

Further amend said bill, Page 2, Section 3, Line 1, by inserting immediately after the word "**county**" the words "**or a portion thereof**"; and

Further amend said bill, Page 4, Section 7, Lines 23 and 24, by deleting the following: "**, as well as each member of the board of governors established in section 8 of this act,**".

On motion of Representative Long, House Amendment No. 1 was adopted.

On motion of Representative Long, **HCS HBs 434, 624 and 676, as amended,** was adopted.

On motion of Representative Long, **HCS HBs 434, 624 and 676, as amended,** was ordered perfected and printed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 107**, entitled:

An act relating to a preference by the state to purchase products and services of the blind.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 655**, entitled:

An act to repeal sections 143.411, 143.471, 347.020, 347.037, 347.039, 347.069, 347.081, 347.103, 347.109, 347.121, 347.125, 347.129, 347.133, 347.137, 347.141, 347.700, 347.705, 347.710, 355.066, 355.071, 355.197, 355.211, 355.221, 355.431, 355.471, 359.011, 359.061, 359.165, 359.201, 359.341, 359.351, 359.451, 408.035, 484.020 and 486.330, RSMo 1994, and sections 347.015, 347.187, 358.150, 358.440 and 358.510, RSMo Supp. 1996, relating to regulation of businesses, and to enact in lieu thereof forty-six new sections relating to the same subject, with an emergency clause and penalty provisions.

With Senate Perfecting Amendment No. 1

*Senate Perfecting Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 655, Page 3, Section 143.411, Line 61, by striking the word "election" and inserting in lieu thereof the word "**agreement**"; and

Further amend said bill, Page 27, Section 347.705, Line 22, by inserting immediately after the following: "partnership," the following: "**limited liability partnership, limited liability limited partnership**"; and

Further amend said bill, Page 44, Section 358.510, Line 2, by inserting after the word "liability" the word "**limited**"; and

Further amend said bill, Page 44, Section 358.510, Line 4, by inserting after the word "liability" the word "**limited**"; and

Further amend said bill, Page 47, Section 359.165, Line 62, by striking the word "by" and inserting in lieu thereof the word "**with**".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 250**, entitled:

An act to repeal section 355.316, RSMo 1994, relating to not for profit corporations, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 250, Page 1, Section 355.316, Line 2, by striking the words "a board of curators"; and

Further amend said bill, Page 1, Section 355.316, Line 4, by inserting immediately after said line the following:

"**3. Any corporation established pursuant to this chapter before the effective date of this act may use the term "board of curators" as the name of the not for profit corporation's board of directors.**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 797**, entitled:

An act to repeal section 171.033, RSMo 1994, relating to school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 797, Page 2, Section 171.033, Line 15, by inserting immediately after the word "district" the following: "**in which schools are in session for twelve months of each calendar year**".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 521**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 604**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 663**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 265**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 59**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 659**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 402**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 516**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 592**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 642**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 63**, entitled:

An act to repeal sections 311.098, 311.300 and 311.332, RSMo Supp. 1996, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 643**, entitled:

An act to repeal section 197.415, RSMo 1994, relating to home health agencies, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 643, Page 1, Section 197.415, Line 4, by striking the opening bracket "[" and the closing bracket "]" as they appear around the word "annually".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS #2 for SB 161**: Senators Johnson, Schneider, Mathewson, Ehlmann, and Flotron.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HR 548**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

House Committee Substitute

for

House Resolution No. 548

**Whereas**, the divorce process in Missouri, as elsewhere, is broken and needs fixing; and

**Whereas**, children are too often treated like property while parents fight over money, assets and custody; and

**Whereas**, the most volatile issues in divorce are who will care for, who will control and who will pay for the children; and

**Whereas**, our current, often combative atmosphere makes it more difficult for divorcing couples to reach a settlement and develop a cooperative relationship once the divorce is final; and

**Whereas**, angered by the process, parties too often resist paying child support and make it difficult for the noncustodial parent to have access to the children; and

**Whereas**, every night four out of ten children in America will go to bed in a home absent of a father and the social consequences of father absence is enormous; and

**Whereas**, domestic violence is the single greatest cause of injury to women in the United States and any system of family conflict management must protect the physical safety of all parties; and

**Whereas**, regardless of the level of battle, the negative interactions during divorce can have a lasting, damaging impact on both parties and their children:

**Now, therefore, be it resolved** that the Speaker of the House shall appoint an interim committee, made up of seven members of the House of Representatives and two public members, to review Missouri's divorce laws and to bring to the General Assembly legislation that will provide for Missouri families a holistic, comprehensive family law system that provides non-adversarial dispute resolution, counseling, education and related legal services; and

**Be it further resolved** that this committee's mission will be the welfare of the children and a commitment that whenever possible and appropriate children shall continue to have both parents in their lives.

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SCR 23**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Elections**, Chairman Days reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 132**, begs leave to report it has examined

the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Workers Compensation and Employment Security**, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Workers Compensation and Employment Security, to which was referred **SCS SB 55**, begs leave to report it has examined the same and recommends that it **Do Pass.**

The following members' presence were noted: Representatives Reynolds and Hagan-Harrell.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, April 30, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-first Day, Monday, April 28, 1997, page 1356, roll call, by showing Representative Reinhart voting "aye" rather than "absent with leave".

Pages 1356 and 1357, roll call, by showing Representatives Levin and Franklin voting "aye" rather than "absent with leave".

Pages 1358 and 1359, roll call, by showing Representative Kennedy voting "aye" rather than "absent with leave".

Pages 1359 and 1360, roll call, by showing Representative Kauffman voting "aye" rather than "absent with leave".

Pages 1360 and 1361, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".

Pages 1362 and 1363, roll call, by showing Representative Patek voting "no" rather than

"absent with leave".

Page 1372, line 17, by deleting all of said line.

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Wednesday, April 30, 1997, 8:30 am. Hearing Room 1.

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 30, 1997, 1:30 pm. Hearing Room 9. Executive session.

To be considered - SB 449

BUDGET

Wednesday, April 30, 1997, 8:30 am. Hearing Room 9. Executive session.

To be considered - SB 19, SB 315, SB 367, SB 24, SB 142

CHILDREN, YOUTH, AND FAMILIES

Wednesday, April 30, 1997, 8:30 am. Hearing Room 8. Continuation of

hearing on HCS SS#3 SCS SB 51. Executive session.

CORRECTIONAL & STATE INSTITUTIONS

Wednesday, April 30, 1997, 12:30 pm. Hearing Room 5.

To be considered - SB 49

CRIMINAL LAW

Wednesday, April 30, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 275

EDUCATION - HIGHER

Wednesday, April 30, 1997, 1:00 pm. Hearing Room 8. Executive session.

ENVIRONMENT AND ENERGY

Wednesday, April 30, 1997. Hearing Room 9 upon morning adjournment.

AMENDED NOTICE

To be considered - Executive Session - SB 72

JUDICIARY

Thursday, May 1, 1997, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - SB 248

LOCAL GOVERNMENT AND RELATED MATTERS

Wednesday, April 30, 1997, 1:15 pm. Hearing Room 7. Executive session may follow.

To be considered - SB 21, SB 432

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 30, 1997, 9:30 am. Hearing Room 7. Executive session may follow.

To be considered - HR 725, HCR 31, SCR 21

SOCIAL SERVICES, MEDICAID, AND THE ELDERLY

Wednesday, April 30, 1997, 6:00 pm. Hearing Room 5. Executive session.

**HOUSE CALENDAR**

SIXTY-THIRD DAY, WEDNESDAY, APRIL 30, 1997

**HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 18 - Lumpe

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 595 - Koller**

**2 HB 57, as amended, HA 3, pending, - Shear**

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

HOUSE BILLS FOR PERFECTION - INFORMAL

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HCS HB 349, as amended, HS, adopted, pending - Koller

10 HB 850 - Kelly (27)

11 HCS HB 723, 789 & 372, as amended, - Dougherty

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HB 883 - Clayton

HOUSE BILLS FOR THIRD READING

1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross

2 HB 777, (Budget Fiscal 4-21-97) - Hosmer

3 HCS HB 697, (Budget Fiscal 4-17-97) - Relford

4 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

5 HB 232, (Budget Fiscal 4-21-97) - Dougherty

6 HCS HB 641 & 593, (Budget Fiscal 4-21-97) - Fitzwater

7 HS HB 513, (Budget Fiscal 4-21-97) - Clayton

8 HB 578, (Budget Fiscal 4-21-97) - Williams (121)

9 HCS HB 508 & 145 - Stokan

HOUSE BILLS FOR THIRD READING - INFORMAL

HB 215 - Dougherty

HS HCS HB 282 - Kissell

SENATE BILLS FOR SECOND READING

SS SCS SB 225 & 3

SCS SB 376

SCS SB 404

SENATE BILLS FOR THIRD READING

1 HCS SB 19, (Budget Fiscal 4-23-97) - Thomason (163)

2 SB 315, HCAs 1 & 2, (Budget Fiscal 4-24-97) - Koller

3 SB 24, (Budget Fiscal 4-24-97) - Shear

4 HCS SB 303 - Hoppe

5 HCS SB 142, (Budget Fiscal 4-28-97) - May (108)

6 SS SB 367, (Budget Fiscal 4-24-97) - Crump

7 SB 459 - Thomason (163)

8 SB 264, (Budget Fiscal 4-29-97) - Thomason (163)

9 HCS SB 170, E.C. - May (108)

10 HCS SB 218 - Crump

11 SB 212 - Thompson (37)

12 SB 176, (Budget Fiscal 4-29-97) - Leake

13 HCS SCS SB 16 - Backer

14 HCS SCS SB 263, E.C. - Mays (50)

15 HCS SB 298 - Rizzo

16 SB 334, HCA 1 - Shelton (57)

17 SB 340 - Green

18 HCS SCS SB 56 - May (108)

HOUSE BILLS WITH SENATE AMENDMENTS

1 HB 622, SCA 1 - Lakin

2 HB 526, SCA 1, E.C. - Koller

3 HB 734, SCA 1, E.C. - Bauer

4 HB 712, SCA 1 - Tate

5 SCS HB 386 - Carter

6 SCS HB 793, as amended, - Auer

7 SCS HB 107 - Boucher

8 SCS HB 655, as amended, E.C. - May (108)

9 HB 250, SCA 1 - Graham (106)

10 HB 797, SCA 1, E.C. - Kissell

11 HB 643, SCA 1 - Barry

12 SCS HB 63 - Griesheimer

BILLS CARRYING REQUEST MESSAGES

HB 327, SCA1 (Reg. Sen recede/grant House conf) - McBride

SCS HB 318, (Reg. Sen. recede/grant House conf, conferees be allowed to exceed differences on Section 321.300) - Clayton

SCS HCS HB 6, (Req. Senate grant House further conf) - Tate

BILLS IN CONFERENCE

CCR SCS HCS HB 7, as amended, - Tate

CCR SCS HCS HB 8, as amended, - Franklin

CCR SCS HCS HB 9, as amended, - Lakin

SCS HCS HB 10 - Carter

SCS HCS HB 11 - Lakin

SCS HCS HB 12, as amended, - Green/Franklin

HCS#2 SB 161 - Kelly (27)

SENATE CONCURRENT RESOLUTIONS

HCS SCS SCR 7, (4-10-97, pgs. 1034 & 1035) - Burton

SCR 17, (2-20-97, pgs. 399 & 400) - Boucher

SCR 23, (4-10-97, pgs. 1035 & 1036) - Fritts

HOUSE RESOLUTIONS

HR 69, (2-5-97, pg. 258) - Hosmer

HR 124, (2-5-97, pg. 259) - Liese

HR 147, (2-19-97 pg. 355) - Backer

HR 497, (4-16-97 pgs 1153 & 1154) - DeMarce

HR 345, (4-16-97 pg. 1153) - Gratz

HR 409, (4-9-97 pgs. 999 & 1000) - Smith

HR 329, (4-16-97 pg. 1153) - Crawford

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-THIRD DAY, Wednesday, April 30, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Gracious God, our day's work is influenced by so many factors. We are public people, in the public eye, and yet there is a part of us that yearns to remain private and secure. But that is sometimes a luxury our positions do not allow. Help us in our faults and failings and reassure us that your forgiveness is readily available to our seeking hearts.

As these representatives take on today's decisions, give them a sense of accomplishment in the good they have done for the children of Missouri. The education and well-being of our children are of the utmost importance as these children grow and become the leaders of tomorrow in this state and across the nation.

We ask your blessing and guidance for our friend, Jackie Hubbard as she leaves for a new job and new adventures - we wish her God speed.

Grant us now a productive day's work and guide our choices and our decisions by your gracious mercy. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brock Yates, Shalmar Lee, Anthony Fortner, Ruth Herrin, Nick Losciuto, Sean Anderson, Liz Butler and Robert Jennings.

The Journal of the sixty-second day was approved as corrected.

**RESOLUTIONS**

Representatives Riback Wilson and Graham (24) offered House Resolution No. 980, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution No. 981, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 982, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolutions No. 983 and 984, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative DeMarce offered House Resolution No. 985, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution No. 986, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Rizzo offered House Resolution No. 987, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hall offered House Resolution No. 988, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution Nos. 989 and 990, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Donovan offered House Resolution Nos. 991 through 993, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF SENATE BILLS**

**SS SCS SBs 225 & 3**, **SCS SB 376** and **SCS SB 404** were read the second time.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 16** and **HCS HBs 508 & 145**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 124, HB 169, HB 229, HB 319, HB 590, HB 612, HB 626, HB 761** and **HB 769**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 135** - Budget (Fiscal Note)

**HCS HBs 508 & 145** - Budget (Fiscal Note)

**HCS HB 582** - Budget (Fiscal Note)

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SCS SB 263** - Budget (Fiscal Note)

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 622, with Senate Committee Amendment No. 1**, relating to life insurance, was taken up by Representative Lakin.

On motion of Representative Lakin, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 160

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Daniels 41 Donovan Hand

On motion of Representative Lakin, **HB 622, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 161

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 002

Donovan Hand

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**HB 526, with Senate Committee Amendment No. 1**, relating to campaign financial disclosure, was taken up by Representative Koller.

On motion of Representative Koller, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 159

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Bennett 15 Froelker

PRESENT: 000

ABSENT WITH LEAVE: 002

Donovan Hand

On motion of Representative Koller, **HB 526, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 160

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Donovan Hand Treadway

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Dougherty Elliott Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 016

Bartelsmeyer Boatright Chrismer Edwards-Pavia Enz
Gaston Hartzler 124 Hohulin Howerton Lograsso
Loudon Merideth Pouche Pryor Purgason
Steen

PRESENT: 000

ABSENT WITH LEAVE: 002

Donovan Hand

On motion of Representative Kissell, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**HB 734, with Senate Committee Amendment No. 1**, relating to general municipal election day, was taken up by Representative Bauer.

On motion of Representative Bauer, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 002

Hohulin Linton

PRESENT: 000

ABSENT WITH LEAVE: 005

Hand Lograsso Patek Secrest Stoll

On motion of Representative Bauer, **HB 734, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 005

Boatright Hohulin Linton Purgason Steen

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnett 4 Donovan Hand Murphy Ridgeway
Secrest Troupe

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 134

Akin Alter Auer Backer Ballard
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Dolan Donovan Dougherty
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Ransdall Reinhart Relford
Reynolds Rizzo Ross Sallee Scheve

Schilling Schwab Scott Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 024

Barnett 4 Bartelsmeyer Berkstresser Boatright Chrismer

Cierpiot Edwards-Pavia Foster Hall Hohulin

Howerton Linton Lograsso Merideth Miller

Patek Pouche Pryor Purgason Richardson

Ridgeway Robirds Steen Wannenmacher

PRESENT: 001

Ford

ABSENT WITH LEAVE: 004

DeMarce Hand Murphy Secrest

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**HB 712, with Senate Committee Amendment No. 1**, relating to absentee ballots, was taken up by Representative Tate.

On motion of Representative Tate, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Cierpiot Donovan Froelker Hand Long

Murphy Troupe

On motion of Representative Tate, **HB 712, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 160

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Champion Hand Murphy

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lawson, title to the bill was agreed to.

Representative Liese moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 386**, relating to abatement of public nuisances, was taken up by Representative Carter.

On motion of Representative Carter, **SCS HB 386** was adopted by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Leake Legan Levin
Liese Linton Long Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 006

Boatright Hohulin Lograsso Loudon Pouche
Steen

PRESENT: 002

Ford Troupe

ABSENT WITH LEAVE: 005

Daniel 42 Hand Lawson Marble Murphy

On motion of Representative Carter, **SCS HB 386** was truly agreed to and finally passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Bonner Boucher Bray 84
Broach Burton Campbell Carter Chrismer
Cierpiot Clayton Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Luetkenhaus Lumpe
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pryor Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 007

Boatright Crawford Hohulin Lograsso Loudon
Pouche Steen

PRESENT: 002

Ford Troupe

ABSENT WITH LEAVE: 006

Champion Hand Marble Murphy Purgason
Treadway

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Shear moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 793, as amended**, relating to insurance companies, was taken up by Representative Auer.

On motion of Representative Auer, **SCS HB 793, as amended,** was adopted by the following vote:

AYES: 160

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Hand Kasten Murphy

On motion of Representative Auer, **SCS HB 793, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 159

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Akin Hand Legan Murphy

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 107**, relating to state purchasing, was taken up by Representative Boucher.

Representative Boucher moved that the House refuse to adopt **SCS HB 107** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HB 250, with Senate Committee Amendment No. 1**, relating to corporations, was taken up by Representative Graham (106).

On motion of Representative Graham (106), the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 159

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Boucher

PRESENT: 000

ABSENT WITH LEAVE: 003

Cooper Hand Murphy

On motion of Representative Graham (106), **HB 250, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 159

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Boucher

PRESENT: 000

ABSENT WITH LEAVE: 003

Hand Murphy Patek

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Wiggins moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

Representative Dougherty assumed the Chair.

**HB 797, with Senate Committee Amendment No. 1**, relating to school attendance, was taken up by Representative Kissell.

On motion of Representative Kissell, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 159

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Bartelsmeyer Hand Murphy Patek

On motion of Representative Kissell, **HB 797, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 158

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Hand Mays 50 Murphy Patek Pryor

Representative Dougherty declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Ransdall Reinhart
Relford Reynolds Richardson Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

NOES: 010

Akin Bartelsmeyer Berkstresser Boatright Hohulin
Linton Lograsso Purgason Ridgeway Steen

PRESENT: 000

ABSENT WITH LEAVE: 006

Ford Hand Murphy Patek Troupe

Wooten

On motion of Representative Smith, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HB 643, with Senate Committee Amendment No. 1**, relating to home health agencies , was taken up by Representative Barry.

On motion of Representative Barry, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 001

Fritts

PRESENT: 000

ABSENT WITH LEAVE: 006

Hand Legan Lumpe Murphy Patek

Reynolds

On motion of Representative Barry, **HB 643, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 158

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Dolan Hand Kauffman Murphy Patek

Representative Dougherty declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 63**, relating to liquor control, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, **SCS HB 63** was adopted by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Bray 84 Broach

Burton Carter Champion Cierpiot Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 016

Boucher Campbell Chrismer Crawford Edwards-Pavia

Elliott Enz Gaskill Hartzler 124 Legan

Loudon Marble McClelland Patek Purgason

Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 003

Bennett 15 Hand Troupe

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Griesheimer, **SCS HB 63** was truly agreed to and finally passed by the following vote:

AYES: 125

Alter Auer Backer Barry 100 Bauer

Bland Bonner Bray 84 Broach Burton

Carter Champion Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gibbons Goward Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Heckemeyer Hegeman

Hendrickson Hickey Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Merideth

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Ransdall Reinhart Relford Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Stokan

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Vogel Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 032

Akin Ballard Barnett 4 Bartelsmeyer Berkstresser

Boatright Boucher Campbell Chrismer Cierpiot

Crawford Elliott Enz Gaskill Gaston

Graham 106 Hartzler 124 Hohulin Holand Legan

Loudon Marble McClelland Miller Murphy

Patek Pryor Purgason Ridgeway Scott

Steen Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 006

Bennett 15 Hand Reynolds Stoll Troupe

Van Zandt

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Relford, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SJR 6**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to compensation of elected officials.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to grant further conference on the **CCR on SCS HCS HB 6** and requests the House to adopt the **CCR on SCS HCS HB 6** and take up and pass **CCS HB 6**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SCS SB 220** and has taken up and passed **SCS SB 220, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 104, as amended,** and has taken up and passed **HCS SCS SB 104, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1** to **SB 69** and has taken up and passed **SB 69, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 274**, entitled:

An act to repeal sections 313.540 and 313.660, RSMo 1994, and sections 313.500 and 313.510, RSMo 1996, relating to off-track pari-mutuel wagering, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 316**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to

concur in **HCS SB 387,** and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Michael Shalz, Nathan Shalz and Kodi Govig.

**RESOLUTIONS**

Representative Farnen, et al, offered House Resolution No. 994, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kennedy offered House Resolution No. 995.

Representative Thomason (163) offered House Resolution No. 996, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Berkstresser offered House Resolution No. 997, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution No. 998, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution No. 999, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HS HB 513 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 578 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 697 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HBs 641 & 593 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 777 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**HOUSE RESOLUTIONS**

**HR 69**, relating to use of the chamber, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HR 69** was adopted.

**HR 124**, relating to use of the chamber, was taken up by Representative Liese.

On motion of Representative Liese, **HR 124** was adopted.

**HR 147**, relating to use of the chamber, was taken up by Representative Backer.

On motion of Representative Backer, **HR 147** was adopted

**HR 497**, relating to use of the chamber, was taken up by Representative DeMarce.

On motion of Representative DeMarce, **HR 497** was adopted.

**HR 345**, relating to use of the chamber, was taken up by Representative Gratz.

On motion of Representative Gratz, **HR 345** was adopted.

**HR 409**, relating to use of the chamber, was taken up by Representative Smith.

On motion of Representative Smith, **HR 409** was adopted.

**HR 329**, relating to use of the chamber, was taken up by Representative Crawford.

On motion of Representative Crawford, **HR 329** was adopted.

**THIRD READING OF HOUSE BILLS**

**HB 777**, relating to compensation for victims of terrorism, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HB 777** was read the third time and passed by the following vote:

AYES: 159

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Copeland Hand Shear Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Daniel (42) moved that the vote by which the bill passed be reconsidered.

Representative Daniels (41) moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 697**, relating to criminal justice network and technology, was taken up by Representative Relford.

On motion of Representative Relford, **HCS HB 697** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wannenmacher Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Champion Copeland Daniels 41 Hand Legan
Linton Murray Thompson 37 Troupe Wiggins
Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 641 and 593**, relating to state aid for special education, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, **HCS HBs 641 and 593** was read the third time and passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Tate
Thomason 163 Townley Treadway Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Copeland Daniels 41 Hand Surface Thompson 37
Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**HS HB 513**, relating to state income tax, was taken up by Representative Clayton.

On motion of Representative Clayton, **HS HB 513** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Crawford Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Lograsso Long Loudon Luetkenhaus
Lumpe May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Copeland Crump Daniels 41 Green Hand
Hegeman Linton Marble Pryor Sheldon 104
Thompson 37 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Foley, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**HB 578**, relating to state income tax, was taken up by Representative Williams (121).

On motion of Representative Williams (121), **HB 578** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer Copeland Hand Holand Lograsso
May 108 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Stroker moved that motion lay on the table.

The latter motion prevailed.

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SB 299** - Budget (Fiscal Note)

**SUPPLEMENTAL CALENDAR**

(April 30, 1997)

**SENATE BILLS FOR THIRD READING**

HCS SCS SB 141 - Treadway

HCS SB 132, E.C. - Days

SS SB 97 - Green

HCS SB 347 - Hosmer

SB 299, E.C. - (Budget Fiscal 4-30-97) - McBride/Thomason

HCS SS SB 121 - Williams (121)

HCS SCS SB 89 - Legan

**THIRD READING OF SENATE BILLS**

**HCS SB 303**, relating to transportation development districts, was taken up by Representative Hoppe.

Representative Cooper offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 303, Page 12, Section 238.235, Line 6, by deleting the words "**public utilities**" and inserting in lieu thereof the following: "**all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance**"; and

Further amend said bill, Page 12, Section 238.235, Line 37, by deleting "second calendar quarter [" and inserting in lieu thereof the words "[second calendar quarter"; and

Further amend said bill, Page 12, Section 238.235, Line 38, by inserting immediately before the word "**following**" the word "**month**".

On motion of Representative Cooper, House Amendment No. 1 was adopted.

Representative Bray offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 303, Page 1, Section A, Line 5, by inserting after all of said line the following:

"70.385. [Each appointment] **1. Two of the five appointments** made by the governor [under] **pursuant to** the provisions of section 70.380 shall be selected from a panel of three nominees[, submitted alternately as vacancies occur,] **submitted** by the mayor of St. Louis city [and]**. Two of the five appointments made by the governor pursuant to the provisions of section 70.380 shall be selected from a panel of three nominees submitted by** the county executive of St. Louis County.

**2. The fifth appointment made by the governor pursuant to section 70.380 shall be selected from a panel of three nominees submitted alternately by the mayor of St. Louis city and the county executive of St. Louis County. The next appointment following August 28, 1997, shall be to fill the commissioner position described in this subsection and shall be made from three nominees submitted by the county executive of St. Louis County. The next appointment for the commissioner position described in this subsection shall be made from three nominees submitted by the mayor of St. Louis city whereupon the order of nomination and appointment for this position will repeat itself.**

**3. The order of the appointments made pursuant to subsection 1 of this section shall be as follows:**

**(1) One from the panel of nominees submitted by the mayor of St. Louis city;**

**(2) One from the panel of nominees submitted by the county executive of St. Louis County whereupon the order of such appointments shall repeat itself.**

**4.** Whenever the mayor or the county executive submits a panel of three nominees, they shall adhere to the intent set forth in the provisions of subsection 2 of section 213.020, RSMo.

70.390. Of the commissioners first appointed one shall be appointed to serve for a term of one year, one for two years, one for three years, one for four years and one for five years. At the expiration of the term of each commissioner and of each succeeding commissioner, the governor shall, by and with the advice and consent of the senate, appoint a successor who shall hold office for a term of five years **if such successor is appointed to fill a commissioner position described in subsection 1 of this section. If a commissioner is appointed to fill the commissioner position described in subsection 2 of this section, then such commissioner shall hold office for a term of three years**. Each commissioner shall hold office until his **or her** successor has been appointed and qualified."; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Pouche raised a point of order that House Amendment No. 2 is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Bray, House Amendment No. 2 was adopted.

On motion of Representative Hoppe, **HCS SB 303, as amended,** was read the third time and passed by the following vote:

AYES: 148

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Howerton Johnson Kasten Kauffman
Kelley 47 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Liese
Long Loudon Luetkenhaus Lumpe Marble
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Ransdall
Reinhart Relford Reynolds Richardson Rizzo
Robirds Ross Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 005

Akin Linton Lograsso Ridgeway Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 010

Bauer Gaskill Hand Hosmer Kelly 27
Levin May 108 Purgason Sallee Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Sheldon (104) moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**SB 459**, relating to session laws, was taken up by Representative Thomason (163).

Representative Thomason (163) offered **HS SB 459**.

On motion of Representative Thomason (163), **HS SB 459** was adopted.

On motion of Representative Thomason (163), **HS SB 459** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Howerton Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Crump Gaskill Hand Hegeman

Hosmer Kelly 27 Pryor Purgason Robirds

Steen Thompson 37 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**SB 212**, relating to Kansas City transportation sales tax, was taken up by Representative Thompson (37).

On motion of Representative Thompson (37), **SB 212** was truly agreed to and finally passed by the following vote:

AYES: 119

Auer Backer Barnett 4 Barry 100 Bauer

Bennett 15 Bland Bray 84 Burton Campbell

Carter Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Farmer Farnen Fitzwater Foley Ford

Franklin Fritts Froelker Gaskill Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gunn Hagan-Harrell Harlan Hartzler 123 Heckemeyer

Hegeman Hickey Hollingsworth Hoppe Hosmer

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Long Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murray Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Ransdall

Relford Reynolds Richardson Rizzo Sallee

Scheve Schilling Schwab Scott Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 038

Akin Alter Ballard Bartelsmeyer Berkstresser

Boatright Bonner Broach Champion Chrismer

Cierpiot Crawford Edwards-Pavia Enz Evans

Foster Gaston Gibbons Gross Hall

Hartzler 124 Hendrickson Hohulin Holand Howerton

Linton Lograsso Loudon Marble Murphy

Naeger Patek Pryor Purgason Reinhart

Ridgeway Robirds Secrest

PRESENT: 000

ABSENT WITH LEAVE: 006

Boucher Hand Ross Thomason 163 Thompson 37

Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 298**, relating to Kansas City and St. Louis police retirement, was taken up by Representative Rizzo.

Representative Dougherty offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 298, Page 1, In the Title, Line 2, by inserting after the word "sections" the following: "84.030, 84.360,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the following: "84.030, 84.360,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the word "sections" the following: "84.030, 84.360,"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

"84.030. Beginning on January 9, 1989, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and [said] **such** commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. **Beginning with the first appointment made after the effective date of this section and every four years thereafter, the commissioner so appointed shall be a retired member of the police force in good standing, who served as a member of such police force for at least ten years and who at no time held any rank higher than lieutenant.** In case of a vacancy in [said] **such** board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of [his] **the commissioner's** successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.

84.360. The governor of the state of Missouri, by and with the consent of the senate, shall appoint the four commissioners provided for in section 84.350, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and [said] commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. **Beginning with the first appointment made after the effective date of this section and every four years thereafter, the commissioner so appointed shall be a retired member of the police force in good standing, who served as a member of such police force for at least ten years and who at no time held any rank higher than lieutenant.** In case of a vacancy in [said] **such** board from any cause whatever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause whatever, and whenever the term of office of any commissioner expires, the appointment of [his] **the commissioner's** successor shall be for four years.".

On motion of Representative Dougherty, House Amendment No. 1 was adopted.

On motion of Representative Rizzo, **HCS SB 298, as amended**, was adopted.

Representative Green assumed the Chair.

On motion of Representative Rizzo, **HCS SB 298, as amended,** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Levin Liese Linton Lograsso

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Scheve Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Cierpiot Griesheimer Hand Legan Loudon

McClelland Ross Sallee Shear Thompson 37

Troupe Van Zandt

Representative Green declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 170**, relating to limited liability companies, was taken up by Representative May (108).

Representative May (108) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 170, Page 2, Section 143.411, Line 23, by inserting immediately after the word "return." the following:

"**If the nonresident partner's filing requirements results solely from one or more interests in any other partnerships or sub-chapter "S" corporations, that nonresident partner may be included in the composite return.**";

And further amend said section, Page 3, Line 47, by deleting the word "**election**" and by inserting in lieu thereof the word "**agreement**";

And further amend said bill, Page 4, Section 143.471, Line 35, by inserting immediately after the word "return." the following:

"**If the nonresident shareholder's filing requirements results solely from one or more interests in any other partnerships or subchapter "S" corporations, that nonresident shareholder may be included in the composite return.**";

And further amend said bill, Page 20, Section 347.705, Line 17, by inserting immediately after the words "limited partnership" the following:

"**limited liability partnership, limited liability limited partnership**";

And further amend said bill, Page 33, Section 358.510, Line 1, by inserting immediately after the word "liability" the word "**limited**";

And further amend said section, Page 33, Line 3, by inserting immediately after the word "liability" the word "**limited**";

And further amend said bill, Page 36, Section 359.165, Line 49, by deleting the second "**by**" on said line and by inserting in lieu thereof the word "**with**".

On motion of Representative May (108), House Amendment No. 1 was adopted.

Representative Elliott offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 170, Page 40, Section 359.451, Line 18, by inserting immediately after all of said line the following:

"[374.122. Any person who serves as an officer of an insurance company may not, during the six-month period immediately after his service as an officer of an insurance company, be employed by the department of insurance as director, deputy director, division director or general counsel.]"; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Elliott moved that House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative May (108), **HCS SB 170, as amended**, was adopted.

On motion of Representative May (108), **HCS SB 170, as amended,** was read the third time and passed by the following vote:

AYES: 150

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stoll Stroker
Summers Surface Tate Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Akin

PRESENT: 000

ABSENT WITH LEAVE: 012

Copeland Daniels 41 Hand Kelley 47 Mays 50
Naeger Relford Scott Shear Stokan
Thomason 163 Thompson 37

Representative Green declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 Davis 122 DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Foley
Ford Foster Franklin Fritts Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stoll Stroker Summers

Surface Tate Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Akin Boatright Froelker Hohulin Holand

Lograsso Purgason

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniels 41 Days Fitzwater Hand Hollingsworth

Kreider Naeger Ross Shear Stokan

Thomason 163 Thompson 37

On motion of Representative Rizzo, title to the bill was agreed to.

Representative Tate moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HCS SCS SB 56**, relating to court procedure, was taken up by Representative May (108).

Representative Carter offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, Page 20, Section 15, Line 31, by adding after said line the following language:

"Section 16. If the movant who is currently imprisoned is discharged by the court or a new trial is ordered and the movant is found innocent, the movant shall be allowed to recover damages for wrongful incarceration. The minimum amount of recoverable damages shall be the state's daily costs of incarceration multiplied by the number of days of incarceration."

Representative Lograsso offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, Page 1, Section 16, by adding at the end thereof the following:

"The compensation set forth in this section shall be in addition to any and all other state and federal remedies and shall in no way restrict any other remedy that may be available to them by statute, constitution or common law."

On motion of Representative Lograsso, House Amendment No. 1 to House Amendment

No. 1 was adopted.

Representative Carter moved that House Amendment No. 1, as amended, be adopted.

Which motion was defeated by the following vote:

AYES: 063

Alter Backer Barnett 4 Bennett 15 Bland

Bonner Boucher Bray 84 Broach Carter

Cierpiot Clayton Cooper Crump Daniel 42

Days Donovan Dougherty Farnen Ford

Foster Fritts Froelker Gibbons Graham 106

Green Griesheimer Gunn Hagan-Harrell Hall

Harlan Hegeman Hickey Howerton Kelly 27

Kreider Lawson Levin Liese Lograsso

Long Loudon Lumpe Mays 50 McLuckie

Monaco Murphy Reynolds Ridgeway Ross

Scheve Schilling Shear Sheldon 104 Shelton 57

Shields Stoll Stroker Summers Tate

Van Zandt Williams 121 Wilson

NOES: 090

Akin Auer Ballard Barry 100 Bartelsmeyer

Bauer Berkstresser Boatright Burton Campbell

Champion Chrismer Copeland Crawford Davis 63

Davis 122 DeMarce Dolan Edwards-Pavia Elliott

Enz Evans Fitzwater Foley Franklin

Gaskill Gaston Graham 24 Gratz Gross

Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hohulin

Holand Hollingsworth Hoppe Hosmer Johnson

Kasten Kauffman Kennedy Kissell Koller

Leake Legan Linton Luetkenhaus Marble

May 108 McBride Merideth Miller Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Rizzo

Robirds Sallee Schwab Scott Secrest

Seigfreid Skaggs Smith Steen Stokan

Surface Thomason 163 Townley Treadway Vogel

Wannenmacher Wiggins Williams 159 Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Farmer Goward Hand Kelley 47

Lakin McClelland O'Connor Thompson 37 Troupe

Representative Hosmer offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, Page 20, Line 31, by inserting after all of said line, the following:

"562.021. 1. If the definition of an offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element.

2. **Except as provided in section 562.026, if the definition of an offense does not expressly prescribe a culpable mental state, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly or recklessly, but criminal negligence is not sufficient.**

**3.** If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.

[3.] **4.** Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the statute clearly so provides."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 2 was adopted.

On motion of Representative May (108), **HCS SCS SB 56, as amended,** was adopted.

On motion of Representative May (108), **HCS SCS SB 56, as amended,** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Edwards-Pavia

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe May 108 Mays 50 McBride McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bauer Daniels 41 Dougherty Elliott Goward
Hand Hohulin Marble McClelland Pryor
Thomason 163 Thompson 37 Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**SB 340**, relating to Office of Administration, was taken up by Representative Green.

On motion of Representative Green, **SB 340** was truly agreed to and finally passed by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Davis 63 Davis 122
Days DeMarce Dolan Donovan Edwards-Pavia
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kissell Koller Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe May 108
Mays 50 McBride McLuckie Merideth Miller
Murphy Murray Naeger Nordwald O'Connor

O'Toole Overschmidt Parker Patek Pouche

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Townley Treadway Van Zandt Vogel Wannenmacher

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Daniel 42 Daniels 41 Dougherty Elliott Goward

Hand Hohulin Kennedy Kreider Marble

McClelland Monaco Ostmann Pryor Thomason 163

Thompson 37 Troupe Wiggins

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Johnson, title to the bill was agreed to.

Representative McLuckie moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 996, 997, 998,** and **999**, begs leave to report it has examined the same and recommends that they **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCR 21**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HR 725**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 725

**Whereas**, the Missouri House of Representatives fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

**Whereas**, the House has a long tradition of rendering assistance to those organizations which sponsor these projects in the interest of our young people; and

**Whereas**, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

**Whereas**, the Missouri YMCA Youth in Government program is designed to familiarize high school students with the decision-making processes that determine public policy at the state level; and

**Whereas**, the basic objectives of the Missouri YMCA Youth in Government are to promote awareness of state issues and the exploration and interchange of youth ideas on solutions to social problems, an interaction among high school students and adults from varying backgrounds focusing on common concerns, understanding of the governmental process through active participation in a model government, communication of youth concerns to appropriate individuals and groups within state government, and respect for the ideas and ideals of others in all aspects of the program and in the community:

**Now, therefore, be it resolved** that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly that the Missouri YMCA be hereby granted permission to use the House Hearing Rooms, Galleries, and the House Chamber for the purpose of conducting its 1997 Youth in Government State Pre-Convention Training on November 22, 1997; and

**Be it further resolved** that the Missouri YMCA be granted permission to use the House Hearing Rooms, Galleries, and the House Chamber for the purpose of conducting its 1997 State Convention during December 4, 5, and 6, 1997.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **HCR 31**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Concurrent Resolution No. 31

WHEREAS, a number of urban areas in the state of Missouri are experiencing rapid growth in terms of population, new business development, and physical expansion; and

WHEREAS, proper and comprehensive planning at both the local and state levels is necessary to ensure that such rapid growth does not have a serious negative impact on economic development and the quality of life for the citizens residing in those areas; and

WHEREAS, a thorough study should be conducted to determine the effects of rapid growth and development as it relates to various factors that have a direct impact on economic development and the quality of life:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that an interim committee of the General Assembly be created for the purpose of conducting a study on growth and development in rapidly growing areas, and that said committee be authorized to function during the interim of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that said interim committee be composed of five members of the House to be appointed by the Speaker of the House, three of whom shall be members of the Democratic Party and two of whom shall be members of the Republican Party; and five members of the Senate to be appointed by the

President Pro Tem of the Senate, three of whom shall be members of the Democratic Party and two of whom shall be members of the Republican Party; and

BE IT FURTHER RESOLVED that the committee conduct a study on the effects of growth on economic development and the quality of life and make recommendations for improving the quality of life for residents in rapidly growing areas; and

BE IT FURTHER RESOLVED that the committee gather and analyze information on traffic congestions, water and air pollution, loss of agricultural lands, loss of open spaces, infrastructure needs and costs, and any other pertinent factors affecting economic development and the quality of life in rapidly growing areas; and

BE IT FURTHER RESOLVED that the committee conduct at least four public hearings around the state in areas experiencing rapid growth; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Eighty-ninth General Assembly by December 30, 1997; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal research, clerical, technical and bill drafting services as the task force may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

**Committee on Banks and Financial Institutions**, Chairman Copeland reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 449**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 449, Page 6, Subsection 4, Line 46, by deleting the following:

the lesser of either those investments authorized by section 15, article IV of the Constitution of Missouri, as in effect on January 1, 1997, or those investments expressly authorized by statute for the political subdivision.

and inserting the following:

those investments authorized by law as of January 1, 1997.

amend page 8, section 30.953, subsection 4, line 57, beginning after the words "by the governor," by deleting the following:

at least one of whom is a representative of the community foundations of Missouri,

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SCS SB 263 (Fiscal Note)**, begs leave to report it has been furnished an updated fiscal note and does not require Budget Committee review.

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SCS SB 105**, begs leave to report it has

examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Commerce, to which was referred **SS SCS SB 165**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SCA 1** to **HB 327** and has taken up and passed **HB 327**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SCS HB 318** and has taken up and passed **HB 318**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1** to **SCS SB 402** and has taken up and passed **SCS SB 402, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS** for **SB 368** and has taken up and passed **HCS SB 368**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS** for **SCS SB 265** and has taken up and passed **HCS SCS SB 265**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS** for **SB 241, as amended** and has taken up and passed **HCS SB 241, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCA 1** to **SB 262** and requests the House to recede from its position and pass **SB 262**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 2**, and has taken up and passed **CCS HB 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 3, as amended**, and has taken up and passed **CCS HB 3**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 4**, and has taken up and passed **CCS HB 4**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 5, as amended**, and has taken up and passed **CCS HB 5**.

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 10**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, and that the Senate recede from its position on House Committee Substitute for House Bill No.

10, as amended, and the Conference Committee Substitute for House Bill No. 10, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Paula Carter /s/ Harry Wiggins

/s/ Mike Schilling /s/ Wayne Goode

Gary Burton /s/ John T. Russell

/s/ Charlie Shields /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 11**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, and that the Senate recede from its position on House Committee Substitute for House Bill No. 11, and the Conference Committee Substitute for House Bill No. 11, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Deleta Williams /s/ Harry Wiggins

/s/ Scott Lakin /s/ Wayne Goode

/s/ Pat Kelley /s/ John T. Russell

/s/ Rich Chrismer /s/ Marvin Singleton

**CONFERENCE COMMITTEE REPORT ON**

**HOUSE BILL NO. 12**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, as amended, and that the Senate recede from its position on House Committee Substitute for House Bill No. 12, and the Conference Committee Substitute for House Bill No. 12, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Richard Franklin /s/ Harry Wiggins

/s/ Timothy Green /s/ Wayne Goode

/s/ Dan Hegeman /s/ John T. Russell

/s/ Kenneth Legan /s/ Marvin Singleton

**MESSAGES FROM THE GOVERNOR**

EXECUTIVE OFFICE

State of Missouri

April 30, 1997

TO THE CHIEF CLERK OF THE

HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

89TH GENERAL ASSEMBLY

STATE OF MISSOURI

Herewith I return to you House Bill No. 1 entitled:

"AN ACT"

To appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

On April 30, 1997, I approved said House Bill No. 1.

Respectfully submitted

/s/ Mel Carnahan

Governor

**EXECUTIVE OFFICE**

**State of Missouri**

**April 30, 1997**

**TO THE CHIEF CLERK OF THE**

**HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**89TH GENERAL ASSEMBLY**

**STATE OF MISSOURI**

**Herewith I return to you House Bill No. 123 entitled:**

**"AN ACT"**

**To repeal section 302.130, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.**

**On April 30, 1997, I approved said House Bill No. 123.**

**Respectfully submitted**

**/s/ Mel Carnahan**

**Governor**

**EXECUTIVE OFFICE**

**State of Missouri**

**April 30, 1997**

**TO THE CHIEF CLERK OF THE**

**HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**89TH GENERAL ASSEMBLY**

**STATE OF MISSOURI**

**Herewith I return to you House Bill No. 150 entitled:**

**"AN ACT"**

**Relating to the conveyance of certain real property by the department of natural resources located in McDonald County.**

**On April 30, 1997, I approved said House Bill No. 150.**

**Respectfully submitted**

**/s/ Mel Carnahan**

**Governor**

**EXECUTIVE OFFICE**

**State of Missouri**

**April 30, 1997**

**TO THE CHIEF CLERK OF THE**

**HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**89TH GENERAL ASSEMBLY**

**STATE OF MISSOURI**

**Herewith I return to you House Bill No. 244 entitled:**

**"AN ACT"**

**To repeal section 304.022, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.**

**On April 30, 1997, I approved said House Bill No. 244.**

**Respectfully submitted**

**/s/ Mel Carnahan**

**Governor**

**EXECUTIVE OFFICE**

**State of Missouri**

**April 30, 1997**

**TO THE CHIEF CLERK OF THE**

**HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**89TH GENERAL ASSEMBLY**

**STATE OF MISSOURI**

**Herewith I return to you House Bill No. 410 entitled:**

**"AN ACT"**

**To repeal section 177.091, RSMo 1994, relating to the sale of school property, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.**

**On April 30, 1997, I approved said House Bill No. 410.**

**Respectfully submitted**

**/s/ Mel Carnahan**

**Governor**

**ADJOURNMENT**

**On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, May 1, 1997.**

**CORRECTIONS**

**Correct House Journal, Sixty-second Day, Tuesday, April 29, 1997, page 1409, by inserting immediately after line 31 the following:**

**Committee on Professional Registration and Licensing, Chairman Treadway reporting:**

**Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred SCS SB 141, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.**

**Pages 1380 and 1381, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".**

**Page 1381, roll call, by showing Representative Liese voting "aye" rather than "absent with leave".**

**Pages 1382 and 1383, roll call, by showing Representatives Foster, Fitzwater and Kelly (27) voting "aye" rather than "absent with leave".**

**Pages 1383 and 1384, roll call, by showing Representatives Gratz and Foley voting "aye" rather than "absent with leave".**

**Pages 1384 and 1385, roll call, by showing Representatives Gratz and Edwards-Pavia voting "aye" rather than "absent with leave".**

**Pages 1384 and 1385, roll call, by showing Representative Akin voting "no" rather than "absent with leave".**

**Pages 1385 and 1386, roll call, by showing Representative Gratz voting "aye" rather than "absent with leave".**

**Page 1386, roll call, by showing Representatives Gratz, Champion and Liese voting "aye" rather than "absent with leave".**

**Pages 1388 and 1389, roll call, by showing Representatives Smith, Thomason (163), and Loudon voting "aye" rather than "absent with leave".**

**Pages 1389 and 1390, roll call, by showing Representative Kelley (47) voting "aye" rather than "absent with leave".**

**Pages 1390 and 1391, roll call, by showing Representatives Kelley (47), Liese, Luetkenhaus, and Gunn voting "aye" rather than "absent with leave".**

**Pages 1391 and 1392, roll call, by showing Representatives Kelley (47), Dolan, Gunn, Akin, and Liese voting "aye" rather than "absent with leave".**

## COMMITTEE MEETINGS

### AGRI-BUSINESS

**Thursday, May 1, 1997, 9:45 am. Side gallery. Executive session.**

**To be considered - SB 79**

### BUDGET

**Thursday, May 1, 1997, 8:30 am. Hearing Room 9. Executive session.**

**To be considered - SB 176, SB 264, HB 508, SB 263**

### EDUCATION - HIGHER

**Thursday, May 1, 1997, 8:00 am. Hearing Rooms 1 and 2. Executive session**

### ENVIRONMENT AND ENERGY

**Thursday, May 1, 1997, 9:00 am. Side gallery.**

**To be considered - Executive Session - SB 72**

### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, May 1, 1997, 8:30 am. Hearing Room 7. Audit assignments, approval of audit reports, other administrative matters.

JUDICIARY

Thursday, May 1, 1997, 8:00 am. Hearing Room 8. Executive session may follow.

To be considered - SB 248

HOUSE CALENDAR

SIXTY-FOURTH DAY, THURSDAY, MAY 1, 1997

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 18 - Lumpe

HOUSE BILLS FOR PERFECTION

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending, - Shear

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

HOUSE BILLS FOR PERFECTION - INFORMAL

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HCS HB 349, as amended, HS, adopted, pending - Koller

10 HB 850 - Kelly (27)

11 HCS HB 723, 789 & 372, as amended, - Dougherty

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HB 883 - Clayton

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

HB 15 - Lumpe

HB 16 - Lumpe

HOUSE BILLS FOR THIRD READING

1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross

2 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

3 HB 232, (Budget Fiscal 4-21-97) - Dougherty

4 HCS HB 508 & 145, (Budget Fiscal 4-30-97) - Stokan

5 HB 135, (Budget Fiscal 4-30-97) - Dougherty

6 HB 190 - Rizzo

7 HCS HB 336 - Green

8 HCS HB 635 - Kennedy

9 HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

10 HCS HB 509 - Bland

11 HCS HB 434, 624 & 676 - Long

HOUSE BILLS FOR THIRD READING - INFORMAL

HB 215 - Dougherty

HS HCS HB 282 - Kissell

SENATE JOINT RESOLUTION FOR SECOND READING

SJR 6

SENATE BILL FOR SECOND READING

SS SCS SB 274

SENATE BILLS FOR THIRD READING

1 HCS SB 19, (Budget Fiscal 4-23-97) - Thomason (163)

2 SB 315, HCAs 1 & 2, (Budget Fiscal 4-24-97) - Koller

3 SB 24, (Budget Fiscal 4-24-97) - Shear

4 HCS SB 142, (Budget Fiscal 4-28-97) - May (108)

5 SS SB 367, (Budget Fiscal 4-24-97) - Crump

6 SB 264, (Budget Fiscal 4-29-97) - Thomason (163)

7 HCS SB 218 - Crump

8 SB 176, (Budget Fiscal 4-29-97) - Leake

9 HCS SCS SB 16 - Backer

10 HCS SCS SB 263, E.C. - Mays (50)

11 SB 334, HCA 1 - Shelton (57)

12 HCS SCS SB 141 - Treadway

13 HCS SB 132, E.C. - Days

14 SS SB 97 - Green

15 HCS SB 347 - Hosmer

16 SB 299, E.C. (Budget Fiscal 4-30-97) - McBride/Thomason

17 HCS SS SB 121 - Williams (121)

18 HCS SCS SB 89 - Legan

HOUSE BILL WITH SENATE AMENDMENTS

SCS HB 655, as amended, E.C. - May (108)

BILLS CARRYING REQUEST MESSAGES

SCS HCS HB 6, (Sen. request House pass CCS) - Tate

SCS HB 107, (Req. Sen. recede/grant House conf.) - Boucher

HCS SCS SB 316, (Req. House recede/grant Sen. conf) - Hoppe

HCS SB 387, (Req. House recede/grant Sen. conf) - Smith

SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

BILLS IN CONFERENCE

1 CCR SCS HCS HB 7, as amended, - Tate

2 CCR SCS HCS HB 8, as amended, - Franklin

3 CCR SCS HCS HB 9, as amended, - Lakin

4 CCR SCS HCS HB 10 - Carter

5 CCR SCS HCS HB 11 - Lakin

6 CCR SCS HCS HB 12, as amended, - Green/Franklin

7 HCS#2 SB 161 - Kelly (27)

SENATE CONCURRENT RESOLUTIONS

HCS SCS SCR 7, (4-10-97, pgs. 1034 & 1035) - Burton

SCR 17, (2-20-97, pgs. 399 & 400) - Boucher

SCR 23, (4-10-97, pgs. 1035 & 1036) - Fritts

COURTESY RESOLUTIONS

HR 755 - Secrest

HR 756 - Heckemeyer

HR 757 - Purgason

HR 758 - Overschmidt

HR 759 - Farnen

HR 760 - DeMarce

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HR 763 - Reynolds

HR 764, through 766 - Patek

HR 767 - Foster

HR 768 - Enz

HR 769 - Williams (121)

HR 770 - Kreider

HR 771, through 857 - Murphy

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HR 859 - Bland

HR 860, and 861 - Kennedy

HR 862 - Surface

HR 863 - Burton

HR 864 - Shields

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HR 870 - Enz

HR 871 - Kauffman

HR 872 - Akin

HR 873, through 878 - Kelley (47)

HR 879, and 880 - Purgason

HR 881, and 882 - McBride

HR 883, and 884 - Merideth

HR 885, through 969 - Cierpiot

HR 970, through 973 - Relford

HR 974 - Lograsso

HR 975 - Sallee

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HR 980 - Riback Wilson

HR 981 - Heckemeyer

HR 982 - Campbell

HR 983, and 984 - Williams (159)

HR 985 - DeMarce

HR 986 - Levin

HR 987 - Rizzo

HR 988 - Hall

HR 989, and 990 - Patek

HR 991, through 993 - Donovan

HR 994 - Farnen

HR 996 - Thomason (163)

HR 997 - Berkstresser

HR 998 - Enz

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-FOURTH DAY, Thursday, May 1, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

Budgets, colleges, prisons, pensions, health care, insurance, education - the list is endless, O Lord. So many areas of financial need, so many concerns about the people of Missouri, so many decisions to make about money. As much as we hate the idea of being consumed with the issue of money, it is a reality we face daily.

Creator and Creative God, guide us to use the money with which we've been entrusted wisely and honestly. Help us fulfill our obligations and promises to those who, out of their hard day's labor, have paid into this state's system. Help us to remember the admonition that it is a happier gift to give than to receive.

Behind all that we do are the faces of people we know and those who are strangers to us - our wives, husbands, and children, the elderly, the physically, emotionally, and mentally challenged, minorities. Some many needs, so many causes - direct our choices that we may find Your path through the maze of the "almighty dollar."

And now bless and protect all those who travel this weekend, bringing them safely back on Monday. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Donald Calder, Mary Collins, Sarah Hudson, Natalie Ellis, Ali Turner, Mark Welker, Blake Tenkhoff, Scott Brueckner, Arron Hutsell, Becky Christian, Margie Anne Louise Wilson, Amanda Michelle Wilson, Jessica Phillips, Gregory Bollasina, Meghan Lohbeck, Caleb Swartz, Lauren McKenna, Lisa Zehnder, Shawn Carlile, Danelle Wisdom, Ashley Marler, Matt Birdsong, Joe Kane, Katie Hart, Steve Marshall, Alicia Roberts, Bradley Melton, Nicole Johnson, Joshua Jennings, Keillan Miller, Matthew Ortiz, Tiffany Mathews, Monika Mello, Joseph Thiel, Paul Reynolds, Alexander Chambliss, Ryan Roth, Amy Stubbs, Cody Arnold, Jeremy Santee, Karl Siebel, Veera Salo, Csilla Szabo, Lisa Zehnder, Jeff Nonnenkamp, Ryan Steinbach and Stephanie Pratte.

The Journal of the sixty-third day was approved as corrected.

**RESOLUTIONS**

Representative Kreider offered House Resolution No. 1000, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Neager offered House Resolution Nos. 1001 and 1002, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Holand offered House Resolution No. 1003, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (123) offered House Resolution Nos. 1004 through 1007, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Campbell offered House Resolution No. 1008, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (106) offered House Resolution No. 1009, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Copeland offered House Resolution No. 1010, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Richardson offered House Resolution No. 1011, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 1012, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ridgeway offered House Resolution No. 1013, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 1014, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution Nos. 1015 through 1017, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Holand offered House Resolution No. 1018, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Overschmidt offered House Resolution No. 1019, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 1020, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scott offered House Resolution No. 1021, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**HOUSE CONCURRENT RESOLUTION**

Representative Thomason (163) offered House Concurrent Resolution No. 33.

**COURTESY RESOLUTIONS**

House Resolution Nos. 755 through 994 and 996 through 999 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 755 through 994 and 996 through 999 were adopted.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 15, HB 135, HB 190, HCS HB 336, HCS HBs 434, 624 & 676, HCS HB 509, HCS HB 582** and **HCS HB 635**, begs leave to

report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 59, HB 265, HB 402, HB 516, HB 521, HB 592, HB 604, HB 642, HB 659** and **HB 663**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**SECOND READING OF SENATE JOINT RESOLUTION**

**SJR 6** was read the second time.

**SECOND READING OF SENATE BILL**

**SS SCS SB 274** was read the second time.

Speaker Gaw assumed the Chair.

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 15**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 15** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 007

Ballard Burton Farmer Hand Harlan
Long Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Scheve moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**HB 16**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HB 16** was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122

DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Levin Liese Linton Lograsso
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 159 Wilson Wooten
Mr. Speaker

NOES: 002

Hall Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard Burton Days Farmer Hand
Harlan Legan Long Thompson 37 Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Schilling, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative O'Connor moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SCS HB 655, as amended**, relating to limited liability companies, was taken up by Representative May (108).

Representative May (108) moved that the House refuse to adopt **SCS HB 655** and request the Senate to recede from its position or, failing to do so, grant the House a conference and that the conferees be allowed to exceed the differences.

Which motion was adopted.

**PERFECTION OF HOUSE BILL - FEDERAL MANDATE**

**HB 883**, relating to registration of offenders, was taken up by Representative Clayton.

On motion of Representative Clayton, **HB 883** was ordered perfected and printed.

**PERFECTION OF HOUSE BILL - INFORMAL**

**HB 850**, relating to administrative rule making, was taken up by Representative Kelly (27).

Representative Kelly (27) offered **HS HB 850**.

On motion of Representative Kelly (27), **HS HB 850** was adopted.

On motion of Representative Kelly (27), **HS HB 850** was ordered perfected and printed.

**THIRD READING OF HOUSE BILLS**

**HB 190**, relating to acupuncture, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **HB 190** was read the third time and passed by the following vote:

AYES: 113

Alter Backer Barry 100 Bartelsmeyer Bauer

Bennett 15 Berkstresser Bland Boatright Bonner

Boucher Bray 84 Broach Campbell Carter

Champion Cierpiot Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Goward Graham 24

Graham 106 Gratz Green Gunn Hagan-Harrell

Hickey Hollingsworth Hoppe Hosmer Howerton

Johnson Kelley 47 Kelly 27 Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Luetkenhaus Lumpe May 108

Mays 50 McBride McLuckie Monaco Murray

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Reinhart Relford

Reynolds Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 040

Akin Auer Barnett 4 Chrismer Crawford

Edwards-Pavia Elliott Enz Evans Gaskill

Gaston Gibbons Griesheimer Gross Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Kauffman Kennedy Linton

Lograsso Loudon Marble McClelland Merideth

Miller Murphy Naeger Patek Pryor

Purgason Ridgeway Steen Summers Surface

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard Burton Ford Hand Harlan

Kasten Long Richardson Thompson 37 Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HCS HB 336**, relating to construction contracts, was taken up by Representative Green.

On motion of Representative Green, **HCS HB 336** was read the third time and passed by the following vote:

AYES: 134

Alter Auer Barnett 4 Barry 100 Bauer
Bennett 15 Bland Bonner Boucher Bray 84
Broach Campbell Carter Champion Chrismer
Cierpiot Cooper Copeland Crump Daniel 42
Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Enz
Evans Farmer Farnen Fitzwater Foley
Foster Franklin Fritts Froelker Gaskill
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Loudon Luetkenhaus Lumpe May 108 Mays 50
McBride McClelland McLuckie Merideth Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Pouche
Pryor Ransdall Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Tate Thomason 163 Treadway
Troupe Van Zandt Vogel Wannenmacher Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 018

Akin Bartelsmeyer Berkstresser Boatright Crawford
Elliott Gaston Gibbons Hartzler 124 Hohulin
Lograsso Marble Miller Patek Purgason
Reinhart Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 011

Backer Ballard Burton Clayton Ford
Hand Harlan Howerton Long Thompson 37
Wiggins

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 635**, relating to hepatitis immunizations, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HCS HB 635** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Levin Liese
Linton Lograsso Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy

Murray Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Ballard Burton Ford Hand Kasten
Leake Legan Long Naeger Thompson 37
Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 509**, relating to grandparents as foster parents program, was taken up by Representative Bland.

On motion of Representative Bland, **HCS HB 509** was read the third time and passed by the following vote:

AYES: 146

Alter Auer Backer Barnett 4 Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Bonner Boucher Bray 84 Broach Campbell
Carter Champion Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz

Farmer Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 159 Wilson Wooten

Mr. Speaker

NOES: 007

Akin Boatright Chrismer Evans Gibbons

Hall Purgason

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard Burton Ford Hand Kasten

Long Lumpe Stoll Thompson 37 Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

**BILLS CARRYING REQUEST MESSAGES**

**HCS SCS SB 316**, relating to property tax, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on **HCS SCS SB 316** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 387**, relating to partition sales, was taken up by Representative Smith.

Representative Smith moved that the House refuse to recede from its position on **HCS SB 387** and grant the Senate a conference.

Which motion was adopted.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 19 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 24 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 142 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SS SB 367 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**THIRD READING OF SENATE BILLS**

**HCS SB 218**, relating to regional jail districts, was taken up by Representative Crump.

Representative Crump offered **HS HCS SB 218**.

On motion of Representative Crump, **HS HCS SB 218** was adopted.

On motion of Representative Crump, **HS HCS SB 218** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 63 Davis 122 DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 002

Kelly 27 Murphy

PRESENT: 000

ABSENT WITH LEAVE: 014

Ballard Bray 84 Burton Daniels 41 Days

Foley Ford Green Hand Harlan

Long Ridgeway Thompson 37 Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 16**, relating to lobbying, campaign, and ethics reform, was taken up by Representative Backer.

Representative Backer offered **HS HCS SCS SB 16**.

Representative Backer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 28, Section 105.473, Line 9, by inserting immediately after the word "**entertainment;**" the word "**honoraria;**".

On motion of Representative Backer, House Amendment No. 1 was adopted.

Representative Backer offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 81, Section 105.963, Line 17, by inserting after all of said line the following: "**7. If any candidate fails to file a campaign disclosure report in a timely manner and that candidate is assessed a late filing fee, the candidate, candidate committee treasurer or assistant treasurer may file an appeal of the assessment of the late filing fee with the commission. The commission may forgive the assessment of the late filing fee upon a showing of good cause. Such appeal shall be filed within ten days of the receipt of notice of the assessment of the late filing fee.**".

On motion of Representative Backer, House Amendment No. 2 was adopted.

Representative Bauer offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 143, Section 130.041, Line 4, by placing an opening "[" before the comma","; and

Further amend said bill, Page 143, Section 130.041, Line 7, by placing a closing "]" before the semicolon ";".

Representative Bauer moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Bauer offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 187, Section 130.057, Line 1, by placing an opening "[" immediately before "130.057."; and

Further amend said bill, Page 190, Section 130.057, Line 16, by placing a closing "]" after the word "**requests.**"; and

Amend the title and enacting clause accordingly.

Representative Bauer moved that House Amendment No. 4 be adopted.

Which motion was defeated.

Representative Scheve assumed the Chair.

Representative Tate offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 145, Section 130.041, Line 8, by inserting immediately after the word "contribution" the following:

"**;**

**(10) A candidate may receive campaign contributions for a primary and a general election at one time. The candidate shall deposit the amounts of the contributions in excess of the contribution limits allowed in section 130.032 in an escrow account established at a state chartered bank or state chartered savings and loan domiciled in the state of Missouri. The candidate shall report as a separate item, the total amount of all contributions received and deposited in the escrow account since the date of the last report and shall report as a separate item the total amount contained in the escrow account at the closing date of the report. The successful candidate may withdraw campaign contributions from the escrow account on the day following the primary election and shall report such contributions pursuant to section 130.041. The unsuccessful candidate shall return all contributions held in the escrow account no later than ten days following the primary election. No candidate shall pledge or otherwise encumber the funds held in the escrow account.**".

Speaker Gaw resumed the Chair.

Speaker Pro Tem Kreider resumed the Chair.

Representative Tate moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 036

Backer Barry 100 Boucher Campbell Carter

Clayton Copeland Crump Daniel 42 Daniels 41

Davis 122 Days DeMarce Dougherty Fitzwater

Franklin Gratz Green Hagan-Harrell Kelly 27

Leake Lumpe Mays 50 McLuckie Monaco

Ransdall Schilling Seigfreid Shear Stroker

Tate Troupe Wiggins Williams 121 Wilson

Mr. Speaker

NOES: 108

Akin Alter Auer Barnett 4 Bartelsmeyer

Bauer Bennett 15 Berkstresser Boatright Bonner

Broach Champion Chrismer Cierpiot Cooper

Crawford Davis 63 Dolan Donovan Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Foster Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Griesheimer Gross

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Howerton Johnson Kasten

Kauffman Kelley 47 Kennedy Kissell Kreider

Lakin Lawson Levin Liese Linton

Lograsso Loudon Luetkenhaus Marble May 108

McBride McClelland Merideth Miller Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Reinhart Reynolds Ridgeway

Rizzo Robirds Ross Sallee Schwab

Scott Secrest Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Summers Surface Thomason 163 Townley Treadway

Van Zandt Vogel Williams 159

PRESENT: 001

Bland

ABSENT WITH LEAVE: 018

Ballard Bray 84 Burton Foley Ford

Goward Gunn Hand Hosmer Koller

Legan Long Relford Richardson Scheve

Thompson 37 Wannenmacher Wooten

Representative O'Toole offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 194, Section 5, Line 21, by inserting immediately after said line the following:

**No member of the general assembly shall offer or accept a contribution, as defined in section 130.011, or any other thing of value, from any person or entity, in return for the promise of a vote for a leadership position in either house of the general assembly. The term "leadership position" as used in this section shall mean the speaker and speaker pro tem of the house of representatives, the president pro tem of the senate, and the majority, assistant majority, minority and assistant minority floor leaders of the senate and house of representatives, and the caucus chairpersons, vice-chairpersons and secretaries of the political parties represented in the senate and house of representatives. Any violation of this section shall be reported to the Missouri ethics commission, and may also be reported by any person to the standing ethics committee of the house of representatives or the senate, as applicable. Any member of the general assembly who violates this section shall be subject to appropriate discipline for such violation, including expulsion from the general assembly.**

Representative Lograsso offered House Substitute Amendment No. 1 for House Amendment No. 6.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, Page 194, Section 5, Line 21, by inserting immediately after said line the following:

**No member of the general assembly shall offer or accept a contribution, as defined in section 130.011, or any other thing of value, from any person or entity, in return for the promise of a vote for a leadership position in either house of the general assembly. The term "leadership position" as used in this section shall mean the speaker and speaker pro tem of the house of representatives, the president pro tem of the senate, and the majority, assistant majority, minority and assistant minority floor leaders of the senate and house of representatives, and the caucus chairpersons, vice-chairpersons and secretaries of the political parties represented in the senate and house of representatives. Any violation of this section shall be reported to the Missouri ethics commission, and may also be reported by any person to the standing ethics committee of the house of representatives or the senate, as applicable. Any member of the general assembly who violates this section shall be subject to appropriate discipline for such violation, including expulsion from the general assembly.** For purposes of this section, committee chair positions and committee membership shall be considered a "thing of value."

Representative Lograsso moved that House Substitute Amendment No. 1 for House Amendment No. 6 be adopted.

Which motion was defeated.

Representative O'Toole moved that House Amendment No. 6 be adopted.

Which motion was defeated.

On motion of Representative Backer, **HS HCS SCS SB 16, as amended,** was adopted.

On motion of Representative Backer, **HS HCS SCS SB 16, as amended,** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Griesheimer Gross Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Van Zandt Vogel Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Bland McBride Murphy

PRESENT: 000

ABSENT WITH LEAVE: 016

Ballard Bray 84 Burton Ford Goward
Green Gunn Hand Hoppe Hosmer
Long Richardson Thompson 37 Troupe Wannenmacher
Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Crump, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**PERFECTION OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 18**, relating to appropriations, was taken up by Representative Lumpe.

Representative Lumpe offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 18, Page 2, Section 18.016, Line 12, by adding after said section one new section to read as follows:

"Section 18.017. To the Office of Administration

For the Department of Elementary and Secondary Education

For design, construction and equipment purchase for improvements to

playgrounds at State Schools for the Severely Handicapped including

Maple Valley, Lakeview Woods and Trails West State Schools

From Donated and Other Funds (not including General Revenue) $1E"

On motion of Representative Lumpe, House Amendment No. 1 was adopted.

Representative Lumpe offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 18, Page 9, Section 18.145, Lines 1 thru 4, by deleting all of said section.

On motion of Representative Lumpe, House Amendment No. 2 was adopted.

Representative Franklin offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 18, Page 3, Section 18.029, Lines 1 through 8, by deleting all of said section and adding in lieu thereof one new section to read as follows:

"Section 18.029. To the University of Missouri

For the construction of the Communication Arts Building

on the St. Louis campus.

From General Revenue Fund $6,320,417

From Lottery Proceeds Fund 433,000

From Gaming Proceeds for Education Fund 1,246,583

Total $8,000,000"; and

Further amend said bill, Page 2, Section 18.016, Line 12 by adding after said section one new section to read as follows:

"Section 18.018. To the Department of Higher Education

For Community Colleges statewide

For planning, design, construction, renovation, and improvements

From General Revenue Fund $2,000,000"

On motion of Representative Franklin, House Amendment No. 3 was adopted.

Representative Skaggs offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 18, Page 6, Section 18.080, Line 4, by adding after the word Offices the following:

"and hearing rooms"; and

Further amend said bill, Page 6, Section 18.080, Line 5, by deleting the figure $250,000 and inserting in lieu thereof the figure "$1,303,123"

On motion of Representative Skaggs, House Amendment No. 4 was adopted.

Representative Lograsso offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 18, Page 5, Section 18.067, Line 4, by deleting such section and adjusting the totals accordingly.

Representative Lograsso moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 064

Akin Alter Barnett 4 Bartelsmeyer Bennett 15

Berkstresser Boatright Broach Champion Chrismer

Cierpiot Crawford Dolan Donovan Edwards-Pavia

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson

Holand Howerton Kelley 47 Legan Levin

Linton Lograsso Loudon Marble McClelland

Merideth Miller Murphy Naeger Nordwald

Ostmann Patek Pouche Pryor Purgason

Reinhart Ridgeway Robirds Ross Sallee

Schwab Secrest Shields Steen Summers

Surface Thomason 163 Townley Vogel

NOES: 078

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Campbell Carter

Clayton Cooper Copeland Crump Daniel 42

Davis 63 Davis 122 Days DeMarce Dougherty

Elliott Farmer Farnen Fitzwater Foley

Franklin Fritts Graham 24 Gratz Hagan-Harrell

Harlan Heckemeyer Hickey Hollingsworth Hosmer

Johnson Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus Lumpe May 108 Mays 50

McBride McLuckie Monaco Murray Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Scheve Schilling Seigfreid Shear Sheldon 104

Shelton 57 Skaggs Smith Stoll Stroker

Tate Treadway Van Zandt Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 021

Ballard Burton Daniels 41 Ford Goward

Green Gunn Hand Hohulin Hoppe

Kasten Long O'Connor O'Toole Richardson

Scott Stokan Thompson 37 Troupe Wannenmacher

Wooten

Representative Boucher offered House Amendment No. 6.

Representative Shields raised a point of order that House Amendment No. 6 amends previously amended material.

The Chair ruled the point of order well taken.

Representative Bray offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 18, Page 11, Section 18.200, Line 5, by striking the numeral "$152,458,154" and inserting in lieu thereof the following: "$79,458,154"; and

Further amend said section, Line 8, by striking the numeral "$154,704, 998" and inserting in lieu thereof the following: "$81,704,997"; and

Further amend said bill to divide the remaining $70,753,157 equally among all state institutions of higher education.

Representative Crawford offered House Substitute Amendment No. 1 for House Amendment No. 6.

Representative Lumpe raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 6 is not a true substitute amendment.

The Chair ruled the point of order well taken.

Representative Bray moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 018

Bland Boucher Bray 84 Carter Champion

Days Dougherty Farmer Harlan Hohulin

Holand Marble McLuckie Purgason Shear

Stokan Townley Van Zandt

NOES: 127

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Broach Campbell Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Davis 63 Davis 122 DeMarce

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Loudon Luetkenhaus

Lumpe May 108 Mays 50 McBride McClelland

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Ransdall

Reinhart Relford Reynolds Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stoll Stroker Summers Tate Thomason 163

Treadway Vogel Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Ballard Burton Daniels 41 Ford Goward

Green Gunn Hall Hand Hickey

Long O'Connor Richardson Surface Thompson 37

Troupe Wannenmacher Wooten

Representative Pryor offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 18, Page 12, Section 18.233, Line 4, by inserting immediately after said section one new section to read as follows:

"Section 18.234. To the House of Representatives

For replacement of the House Chamber Voting System

From General Revenue Fund.....$500,000"

And further amend said bill by adding the following after the word "Representatives," For installation of a Jumbo Tron big screen (4-sided) T.V. to hang from the ceiling for purposes of instant slow motion replay on particularly exciting votes, verifications, animated debate, etc. Advertising may be sold on the Jumbo Tron.

For the purposes of this section, the House Chambers shall be referred to hereafter as the "Gratz/Vogel" Dome

Representative Pryor moved that House Amendment No. 7 be adopted.

Which motion was defeated.

On motion of Representative Lumpe, **HCS HB 18, as amended,** was adopted.

On motion of Representative Lumpe, **HCS HB 18, as amended,** was ordered perfected and printed.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**HCS SCS SB 316**: Representatives Hoppe, Luetkenhaus, Reynolds, Ross and Lograsso.

**HCS SB 387**: Representatives Smith, Hosmer, Parker, Gibbons and Akin

**THIRD READING OF SENATE BILLS**

**HCS SB 19**, relating to motor vehicle records, was taken up by Representative Thomason (163).

Representative Thomason (163) offered **HS HCS SB 19**.

On motion of Representative Thomason (163), **HS HCS SB 19** was adopted.

On motion of Representative Thomason (163), **HS HCS SB 19** was read the third time and passed by the following vote:

AYES: 142

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Hagan-Harrell Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Schilling Schwab Scott Secrest

Seigfreid Shear Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Tate Thomason 163 Townley Treadway
Van Zandt Vogel Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

NOES: 001

Sheldon 104

PRESENT: 000

ABSENT WITH LEAVE: 020

Ballard Burton Daniels 41 Dolan Ford
Goward Green Gunn Hall Hand
Harlan Hickey Long Richardson Scheve
Surface Thompson 37 Troupe Wannenmacher Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**SB 24**, relating to insurance coverage-diabetes, was taken up by Representative Shear.

On motion of Representative Shear, **SB 24** was truly agreed to and finally passed by the following vote:

AYES: 140

Akin Alter Auer Backer Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Griesheimer Gross Hagan-Harrell

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Loudon Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Tate Thomason 163 Townley Treadway Van Zandt

Vogel Wiggins Williams 159 Wilson Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 022

Ballard Burton Davis 63 Ford Goward

Green Gunn Hall Hand Harlan

Hickey Lograsso Long Luetkenhaus Richardson

Scheve Surface Thompson 37 Troupe Wannenmacher

Williams 121 Wooten

Speaker Gaw declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 142**, relating to court proceeding, was taken up by Representative May (108).

Representative May (108) offered **HS HCS SB 142**.

Representative May (108) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 142, Page 19, Section 478.268, Lines 9 through 12 on said page, by deleting said lines.

On motion of Representative May (108), House Amendment No. 1 was adopted.

Representative May (108) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 142, Page 38, Section 1, Line 17 of said page, by striking the words "as costs" from said line and inserting in lieu thereof the words "**and collected in the manner provided by sections 488.010 to 488.020, RSMo, a surcharge in**"; and

Further amend said bill, section and page, Line 20 of said page, by inserting immediately after the word "cost." on said line the words: "**No such surcharge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality.**".

On motion of Representative May (108), House Amendment No. 2 was adopted.

Representative Ostmann offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 142, Page 1, In the Title, Line 5, by inserting immediately after the word "sections" the number "211.181,"; and

Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 14, by inserting immediately after the word "sections" the number "211.181,"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 16, by inserting immediately after the number "115.575," the number "211.181,"; and

Further amend said bill, Page 2, Section 115.575, Line 9, by inserting after all of said line the following:

"211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in [his] **the child's** own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the

court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in [his] **the child's** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if [he] **the child** is presently under the court's supervision after an adjudication [under] **pursuant to** the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive [it] **the child** in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or

institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which [it] **the court** exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in [his] **the child's** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive [it] **the child** in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted [under] **pursuant to** the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by [his] **such child's** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and [his] **the child's** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child [under] **pursuant to** this subdivision, or who benefits from any services performed as a result of an order issued [under] **pursuant to** this subdivision, shall be immune from any suit by the child ordered to perform services [under] **pursuant to** this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services [under] **pursuant to** this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform

services [under] **pursuant to** this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court[.]**;**

**(10) The imposition of any disposition pursuant to subdivision (3) of subsection 3 of this section may, in the court's discretion, be suspended upon such terms and conditions as the court deems just and proper. The records of any disposition, the imposition of which has been suspended, shall be closed records to the same extent as provided pursuant to section 610.105, RSMo, for a suspended imposition of sentence in a court of general jurisdiction.**

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the department of social services or any of its divisions. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The department may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When custody of a child or person seventeen years of age is legally placed in the department of social services or any of its divisions, the department shall immediately submit its proposed treatment plan for such child or person seventeen years of age, as developed pursuant to subdivision (17) of subsection 1 of section 207.020, RSMo, to a professional evaluation team. Such a team shall be composed of a local juvenile officer, a representative of the department, a guardian ad litem, or court appointed special advocate, and where applicable, a school employee. The evaluation team shall develop a long-range permanency treatment plan for each child or person seventeen years of age within thirty days of the date upon which the department was awarded custody. The long-range treatment plan [will] **shall** include the following components:

(1) Type of placement which will serve the best interest and special needs of a child or person seventeen years of age and provide the least restrictive setting;

(2) Projected length of care needed by the child or person seventeen years of age and the projected cost for providing such care;

(3) Services needed by the child or person seventeen years of age and [his] **the child's or person's** family to facilitate reunification and the projected cost of such services;

(4) Certification from the division director or designee whether the placement and/or services recommended by the evaluation team are available.

The long-range permanency treatment plan shall be submitted to the court for consideration and approval prior to the court's final entry of a treatment order. In addition, a psychiatric or psychological evaluation shall be considered by the professional evaluation team and shall be submitted to the court for consideration for any child or person seventeen years of age who, in the discretion of the professional evaluation team, [could] **may** benefit from such an examination. The juvenile court judge may assess the cost of the examination to the family based on [their] **the family's** ability to pay.

6. In ordering implementation of a permanency treatment plan, the judge shall not order treatment with a specific provider but may reasonably designate the scope and extent of the services to be provided by the department to the child or person seventeen years of age subject to certification by the director of the division or designee that a provider and/or funds are available.

7. The department shall proceed to implement any long-range permanency plan within thirty days of its approval by the court. If the court fails to act upon a long-range permanency treatment plan within fifteen days of its submission by the professional evaluation team, then such plan shall be implemented by the department as if approved by the court and shall remain in effect until otherwise ordered by the court.

8. The department may seek appellate review of any long-range permanency treatment plan [it] **the department** is required by court order or operation of law to implement.

9. When an assessment has been imposed [under] **pursuant to** the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.".

On motion of Representative Ostmann, House Amendment No. 3 was adopted.

Representative Hosmer offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 142, Page 18, Section 478.268, Line 18, by inserting after the word "court" the following:

**and who may also serve in the family court**; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 4 was adopted.

Representative Hartzler (124) offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 142, Page 34, Section 542.276, Lines 10-11 of said page, by striking said lines and inserting in lieu thereof the following:

"**duplicate search warrant. May I sign my name attesting that you have given your permission to issue this warrant?**"; and

Further amend said bill, page and section, Line 14 of said page, by striking the words "beneath yours,"; and

Further amend said bill and section, Page 35, Lines 2-3 of said page, by striking the words "to affix the judge's signature"; and

Further amend said bill, page and section, Lines 6-7 of said page, by striking the words "or the judge's signature authorizing a warrant"; and

Further amend said bill and section, page 36, Lines 9-10 of said page, by striking the words "authorize a peace officer to sign the judge's name on" and inserting in lieu thereof the word "**issue**".

On motion of Representative Hartzler (124), House Amendment No. 5 was adopted.

On motion of Representative May (108), **HS HCS SB 142, as amended,** was adopted.

On motion of Representative May (108), **HS HCS SB 142, as amended,** was read the third time and passed by the following vote:

AYES: 136

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fritts Gaskill Gaston

Gibbons Graham 24 Gratz Griesheimer Gross

Hagan-Harrell Hartzler 123 Hartzler 124 Hegeman Hendrickson

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Rizzo Robirds Ross Sallee

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Stokan Stoll Stroker Summers

Tate Thomason 163 Townley Treadway Van Zandt

Vogel Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 004

Crawford Froelker Graham 106 Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 023

Ballard Burton Daniels 41 Farmer Ford

Goward Green Gunn Hall Hand

Harlan Heckemeyer Hickey Long Richardson

Ridgeway Scheve Steen Surface Thompson 37

Troupe Wannenmacher Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Hoppe, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**SS SB 367**, relating to probation and parole officers, was taken up by Representative Crump.

Representative Crump offered **HS SS SB 367**.

Representative Crump offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for Senate Substitute for Senate Bill No. 367, page 3, Section 217.710, Line 11, by inserting after the word "**217.810.**" the following:

"**as authorized by policies and operating regulations of the department**"

On motion of Representative Crump, House Amendment No. 1 was adopted.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for Senate Substitute for Senate Bill No. 367, Page 10, Section 571.030, Line 4, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 2 was adopted.

On motion of Representative Crump, **HS SS SB 367, as amended,** was adopted.

On motion of Representative Crump, **HS SS SB 367, as amended,** was read the third time and passed by the following vote:

AYES: 132

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Broach Campbell Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Griesheimer Gross Hagan-Harrell

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Toole

Ostmann Overschmidt Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Ridgeway Rizzo Robirds Ross Sallee

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Stokan

Stoll Stroker Summers Tate Thomason 163

Townley Treadway Vogel Wiggins Williams 121

Williams 159 Mr. Speaker

NOES: 006

Bland Bray 84 Carter Schilling Van Zandt

Wilson

PRESENT: 000

ABSENT WITH LEAVE: 025

Ballard Boucher Burton Daniels 41 Days

Ford Goward Green Gunn Hall

Hand Harlan Hickey Long O'Connor

Parker Richardson Scheve Shear Steen

Surface Thompson 37 Troupe Wannenmacher Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE REPORTS**

**Committee on Agri-Business**, Chairman Williams (159) reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SB 79**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **SS #3 SCS SB 51**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Correctional and State Institutions**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Correctional and State Institutions, to which was referred **SCS SBs 49, 213, 130, 32, 235 & 221**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1, 2, 3 & 4.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 8, Section 575.010, Line 19, by inserting immediately after the word "**enforcement**" the words "**or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency in the performance of the functions or duties of such department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals**"; and

Further amend said bill, Page 9, Section 575.335, Line 2, by deleting the word "**he**" and inserting in lieu thereof the words "**such person**"; and

Further amend said bill, Page 9, Section 575.335, Line 4, by inserting immediately after the word "**apprehension,**" the following: "**tracking, or search and rescue,**"; and

Further amend said bill, Page 9, Section 575.335, Line 5, by deleting the words "**or a department of corrections officer**" and inserting in lieu thereof the following: "**, department of corrections officer, municipal police department, fire department or a search and rescue unit or agency, whether on duty or not on duty**"; and

Further amend said bill, Page 10, Section 575.337, Line 2, by deleting the word "**he**" and inserting in lieu thereof the words "**such person**"; and

Further amend said bill, Page 10, Section 575.337, Line 4, by deleting the words "**or apprehension**" and inserting in lieu thereof the words "**, apprehension, tracking or search and rescue**"; and

Further amend said bill, Page 10, Section 575.337, Line 6, by deleting the words "**or a department of corrections officer**" and inserting in lieu thereof the following: "**, department of corrections officer, municipal police department, fire department or a search and rescue unit or agency**".

*House Committee Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 6, Section 565.082, Line 58, by deleting the word "retired" and inserting in lieu thereof the word "**former**"; and

Further amend said section, Line 60, by deleting the word "retired" and inserting in lieu thereof the word "**former**"; and

Further amend said section, Line 62, by deleting the word "retired" and inserting in lieu thereof the word "**former**".

*House Committee Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 1, Section A, Line 5, by inserting after all of said line the following:

"43.265. There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle and Aircraft Revolving Fund", which shall be administered by the superintendent of the highway patrol. All funds received by the highway patrol from [government agencies for purchase of highway patrol motor vehicles and from any other source for the purchase of highway patrol aircraft or aircraft parts shall be credited to the fund.]**:**

**(1) Government agencies for purchase of highway patrol motor vehicles;**

**(2) Any other source for the purchase of highway patrol aircraft or aircraft parts; and**

**(3) Government agencies for the reimbursement of costs associated with aircraft flights flown on their behalf by the highway patrol;**

**shall be credited to the fund.** The state treasurer is the custodian of the fund and shall approve disbursements from the fund subject to appropriation and as provided by law and the constitution of this state at the request of the superintendent of the highway patrol. The balances from this fund shall be used for the purchase of highway patrol motor vehicles, highway patrol aircraft or aircraft parts and [for no other purpose] **operational costs**. Any unexpended balance in fund at the end of the fiscal year shall be exempt from the provisions of section [33.808,] **33.080,** RSMo, relating to the transfer of unexpended balances to the general revenue fund.

**Section 1. There is hereby created in the state treasury the "Criminal Justice Network and Technology Revolving Fund", which will be administered by the superintendent of the highway patrol. All funds associated with the criminal justice network received by the highway patrol shall be credited to the fund. The state treasurer is the custodian of the fund and shall approve disbursements from the fund subject to appropriation and as provided by law and the constitution of this state at the request of the superintendent of the highway patrol. The balances**

**from this fund shall be used for the procurement of telecommunications and computer equipment, services, and software associated with connection to the criminal justice network. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund. All funds associated with MULES in the office of administration's revolving administrative trust fund shall be transferred to the criminal justice network and technology revolving fund on the effective date of this section.**"; and

Further amend the title and enacting clause accordingly.

*House Committee Amendment No. 4*

AMEND Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 13, Section 590.105, Line 102, by deleting the word "may" and inserting in lieu thereof the word "**shall**".

**Committee on Education - Higher**, Chairman Scheve reporting:

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SS SB 22**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Education - Higher, to which was referred **SS SB 208**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Judiciary**, Chairman May (108) reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 171**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Judiciary, to which was referred **HCS SS SB 248**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SCS SB 11**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Social Services, Medicaid and the Elderly**, Chairman Gunn reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SS #2 SCS SBs 202, 23 & 183**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SS SCS SBs 225 & 3** - Critical Issues

**SS SB 466** - Municipal Corporations

**SCS SB 404** - Judiciary

**SS SCS SB 168** - Education - Elementary and Secondary

**SS SCS SB 274** - Miscellaneous Bills and Resolutions

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 56 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 298 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 170 as amended** and has taken up and passed **HCS SB 170 as amended**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 303 as amended** and has taken up and passed **HCS SB 303 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SB 459** and has taken up and passed **HS SB 459**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SCS HB 107** and has taken up and passed **HB 107**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 491**, entitled:

An act to repeal section 144.140, RSMo 1994, and section 144.020, RSMo Supp. 1996, relating to the state sales tax rate on food, and to enact in lieu thereof two new sections relating to the same subject, with a termination date for a certain section.

With SSA 1 for SA 1, as amended by SA 3 to SSA 1 for SA 1, SA 7 to SSA 1 for SA 1, SA 11 to SSA 1 for SA 1, SA 12 to SSA 1 for SA 1 and SA 15 to SSA 1 for SA 1; SSA 1 for SA 2, as amended by SA 1 to SSA 1 for SA 2; SA 3; SA 4; SA 5; SA 8; SA 9

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, In the Title, Lines 3-4, by striking "the state sales tax rate on food" and inserting in lieu thereof the following: "taxation"; and further amend line 5, by striking the word "a"; and further amend line 6, by striking all of said line and inserting in lieu thereof the following: "an effective date for a certain section, an emergency clause for a certain section and a penalty provision for a certain section."; and

Further amend said bill, pages 1-4, section 144.020, by striking all of said section; and inserting in lieu thereof the following:

"**144.014. 1. Notwithstanding other provisions of law to the contrary, beginning July 1, 1997, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of two percent. The revenue derived from one-half of the two percent rate pursuant to this section shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.**

**2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. section 2012, as that section now reads or as it may be amended hereafter, and shall not include food**

**dispensed by or through vending machines.**

**144.016. In addition to the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746, there is hereby levied and imposed on all retail sales of food, as defined in subsection 2 of section 144.014, an additional rate of one percent. The collection of the one percent rate as imposed herein shall be suspended until such time as the governor by executive order authorizes the collection of such tax under conditions as described in this section. During any fiscal year after a fiscal year in which the commissioner of administration has certified that the annual growth in total state revenues, as defined in article X, section 17 of the Missouri constitution, is less than the annual growth in personal income of Missouri, as defined in article X, section 17 of the Missouri constitution and determined for the year at issue, the governor may authorize the collection of a portion of the tax specified in this section in an increment of one half of one percent per year.**

Section B. Because immediate action is necessary to provide tax relief to the citizens of this state, section 144.014 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 144.014 of this act shall be in full force and effect on July 1, 1997, or upon its passage and approval whichever shall later occur."; and

Further amend said bill, page 4, section B, lines 20-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax under the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. **For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.**

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer **from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first two thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and the first six thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000**:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and [his] **the taxpayer's** Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than sixteen thousand dollars.

4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. But social security benefits shall not be subtracted for purposes of other computations under this chapter, and are not to be considered as retirement benefits for purposes of this section.

5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

6. [For each tax year beginning on or after January 1, 1990,] The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated under this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

[8. The provisions of this section shall apply to all other annuities, pensions and retirement allowances as subsequently defined and provided by law for tax years beginning on or after January 1, 1991.]

Section C. Section 143.124 shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997.

143.161. 1. **For all tax years beginning before January 1, 1998,** a resident may deduct four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

**2. For all tax years beginning on or after January 1, 1998, a resident may deduct eight hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.**

[2.] **3.** A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.

**Section 1. 1. As used in this section, the following words and terms shall mean:**

**(1) "Challenge scholarship", a reimbursement for post-secondary education expenses, as calculated pursuant to this section, to be claimed on Missouri state individual income tax returns by, or on behalf of, an eligible student who has enrolled in and completed credit hours in an eligible institution of post-secondary education pursuant to the provisions of this section;**

**(2) "Eligible institution of post-secondary education", any approved public or private post-secondary education institution, as defined in section 173.205, or any other Missouri private institution that:**

**(a) Is required by statute to be certified to operate by the coordinating board for higher education;**

**(b) Is institutionally accredited by a United States Department of Education recognized accrediting commission;**

**(c) Has operated continuously in the state of Missouri for at least five years;**

**(d) Has no more than fifty percent of its students in correspondence programs;**

**(e) Offers a two-year certificate or an associate or higher degree program;**

**(f) Has at least one articulation agreement relating to a degree program with another institution approved by the coordinating board for higher education; and**

**(g) Is approved for participation in the challenge scholarship program by the coordinating board for higher education;**

**(3) "Credit hour", the standard academic measurement of attendance based on a semester term, or its equivalent, in trimester, quarter or clock hour terms;**

**(4) "Resident of the state of Missouri", a resident of this state as determined under standards promulgated pursuant to section 173.005;**

**(5) "Eligible claimant", an eligible student claiming a challenge scholarship or another person, such as a parent, claiming a challenge scholarship on behalf of an eligible student under this section, which student or other person satisfies the following conditions throughout the period for which the challenge scholarship is being claimed:**

**(a) The claimant is a citizen or a permanent resident of the United States; and**

**(b) The claimant is a resident of the state of Missouri, as defined in this section;**

**(6) "Eligible student", an individual who is enrolled in an eligible institution of post-secondary education and has been in compliance with the eligibility requirements set forth in subsection 1 of section 173.215, throughout the period for which the challenge scholarship is being claimed, excluding the requirements of full-time enrollment and financial need, and in addition, meets the following requirements:**

**(a) Has received a high school diploma, general educational development certificate (GED) or equivalent;**

**(b) Is enrolled in and has maintained satisfactory academic progress in a program leading to a certificate, or an associate or baccalaureate degree;**

**(c) Has yet to complete sixty semester hours, or the equivalent, of post-secondary course credit earned after the date of receipt of a high school diploma or a GED certificate or the equivalent, with the exception of students participating in the A+ schools program as provided in subdivision (4) of subsection 2 of this section;**

**(d) Does not have a delinquent debt with an institution of higher education exceeding the amount of the challenge scholarship;**

**(e) Has not already claimed, or had claimed on the individual's behalf, the maximum allowable cumulative challenge scholarship as defined in subdivision (3) of subsection 2 of this section; and**

**(f) Is not a person currently confined in any federal or state correctional facility, jail or confined under the jurisdiction of the department of corrections in any other state.**

**2. (1) The actual amount of allowable challenge scholarship shall be the lesser of:**

**(a) The number of post-secondary credit hours completed in that calendar year and earned after the date of receipt of a high school diploma or a GED certificate or equivalent times the per credit hour allowance, as provided in subdivision (2) of this subsection; or**

**(b) The maximum allowable challenge scholarship, as provided in subdivision (2) of this subsection.**

**(2) For calendar years 1998 and 1999, the per credit hour allowance shall be seventeen dollars and the maximum allowable challenge scholarship shall be five hundred dollars. For calendar years 2000 and 2001, the per credit hour allowance shall be thirty-three dollars and the maximum allowable challenge scholarship shall be one thousand dollars. For calendar year 2002, and each subsequent calendar year, the per credit hour allowance shall be fifty dollars and the maximum allowable challenge scholarship shall be one thousand five hundred dollars.**

**(3) No student may claim, or have claimed on the student's behalf, more than three thousand dollars of cumulative challenge scholarship.**

**(4) No student may claim, or have claimed on the student's behalf, a challenge scholarship for post-secondary credit hours earned after that student has successfully completed sixty credit hours or equivalent of post-secondary work after the date of receipt of a high school diploma or a GED certificate or equivalent, except for students who participate in the A+ schools program as established in section 160.545, RSMo. Students who participate in the A+ schools program may use the challenge scholarship for the sixty post-secondary credit hours or equivalent following the exhaustion of financial benefits under the A+ schools program.**

**(5) The provisions of section 143.811, RSMo, to the contrary notwithstanding, no interest shall be paid on the challenge scholarship provided for in this section.**

**(6) Nothing in this section shall be construed to limit the actual scholarship amount to the amount of the claimant's Missouri income tax liability.**

**3. Every eligible institution of post-secondary education shall furnish to each eligible student enrolled at such institution who is a resident of Missouri, a written statement in a form prescribed by the director of revenue showing the credit hours completed by that student for the calendar year and other such information as the director of revenue shall prescribe. This form shall be furnished to each eligible student on or before January thirty-first of the succeeding year, and claims for the challenge scholarship shall be filed with the department of revenue by December thirty-first of such succeeding year.**

**4. The coordinating board for higher education shall provide to the director of revenue a list of eligible institutions of post-secondary education as determined pursuant to subdivision (2) of subsection 1 of this section for the calendar year. This list shall be provided on or before December thirty-first of that calendar year or by such other, earlier date as specified by the director and agreed to by the coordinating board. The director of revenue shall also provide annually to the coordinating board for higher education a report showing how many eligible students claimed a challenge scholarship, the dollar amount of such scholarships and other information requested by the coordinating board for higher education.**

**5. Challenge scholarship claims may only be filed for taxable years beginning on or after January 1, 1998.**

**6. The coordinating board for higher education, in conjunction with the director of revenue, shall prescribe such rules and regulations as are necessary to carry out the provisions of this section.**

**7. (1) Fraudulent claims under the provisions of this section shall be subject to the same penalties and under the same conditions as are provided by sections 143.911 to 143.951, RSMo, relating to fraudulent claims for income taxes.**

**(2) Any repayment of a fraudulent challenge scholarship claim collected by the director of revenue shall include full repayment plus interest thereon at the rate determined by section 32.065, RSMo, from the date the fraudulent claim was filed until such repayment is made.**

**(3) No challenge scholarship may be sold or assigned to a third party.**

**8. This section shall only apply to credit hours accrued after January 1, 1998.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

*to*

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 2, Section 144.016, Line 17, by inserting a semicolon (;) and the words: "except that, such collection may be suspended by the General Assembly by concurrent resolution".

*Senate Amendment No. 7*

*to*

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 144.014, Line 21, by striking the word "**not**".

*Senate Amendment No. 11*

*to*

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 143.124, Line 21, by inserting after the number "2000" the following: "**provided, however, that the total amount of retirement benefits from all sources subtracted from Missouri adjusted gross income shall not exceed six thousand dollars for each taxpayer**".

*Senate Amendment No. 12*

*to*

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 6, Section 143.161, Line 15, by adding at the end of line 15 the following: "For all tax years beginning on or after January 1, 1999, a resident may deduct one thousand dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes. For all tax years beginning on or after January 1, 2000, a resident may deduct one thousand two hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.".

*Senate Amendment No. 15*

*to*

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 11, Section 1, Line 23, of said page by inserting immediately after "1998" the following:" **.**

**9. Other provisions of law to the contrary notwithstanding, no public eligible institution of postsecondary education may increase tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri constitution. No student shall claim, or have claimed on the student's behalf, a challenge scholarship for postsecondary credit hours earned at a private eligible institution of postsecondary education if that institution has increased tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri constitution**. The provisions of this subsection will expire on August 28, 2000."

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.020, Line 9, by adding after said line the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less:

(1) either [:] the Missouri standard deduction or the Missouri itemized deduction [,]**;** (2) the Missouri deduction for personal exemptions[,]**;** (3) the Missouri deduction for dependency exemptions[,]**;** (4) the deduction for federal income taxes provided in section 143.171[.]**; and, (5) the deduction for tuition, attendance fees or school supplies provided in section 143.122."**

**"143.122. In addition to the amounts to be subtracted from his federal adjusted gross income to determine his Missouri adjusted gross income under the provisions of section 143.121, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades nine through twelve, for tuition, attendance fees, or school supplies for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent.";**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*

*to*

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 2*

AMEND Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section 143.122, Line 4, by adding after the words "supplies," the words "or transportation costs"

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.020, Line 9 of said page, by inserting immediately after all of said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, sagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, replacing and used for the same purposes or to produce a substantially similar product as the machinery and equipment, which is purchased for and used directly for manufacturing or fabricating a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint used in newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples **and all sales of medical oxygen**;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any

institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.440, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Line 19 by inserting immediately after said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) **Replacement** machinery [and]**,** equipment, **and parts** and the materials and supplies solely required for the installation or construction of such **replacement** machinery [and]**,** equipment, [replacing and used for the same purposes or to produce a substantially similar product as the machinery and equipment, which is purchased for] and **parts** used **in** directly [for] manufacturing [or]**,** fabricating **or producing** a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery [and]**,** equipment, **and parts** and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint used in newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.440, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 1, Section A, Line 4 by inserting immediately after said line the following:

"**135.550. 1. As used in this section, the following terms shall mean:**

**(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;**

**(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;**

**(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.**

**5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.**

**7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**

**135.600. 1. As used in this section, the following terms shall mean:**

**(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;**

**(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;**

**(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.**

**5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.**

**7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until**

**some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 19, by inserting immediately after said line the following:

"**Section 2. The actual amount of allowable challenge scholarship in Section 1 of this act shall be limited to the actual amount of money paid by the eligible claimant to an eligible institution of post-secondary education for tuition and fees.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 491, Page 4, Section 144.140, Line 19, by inserting immediately after said line the following:

"**Section 2. For purposes of Section 1 of this act, no corporation, partnership or other business entity shall qualify to claim a challenge scholarship on behalf of an eligible student.**"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 16, as amended**, and requests the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 655, as amended**, and grants the House a conference thereon.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SCS HB 655**: Representatives May (108), Lakin, O'Toole, Pryor and Wooten

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 12:00 Noon, Monday, May 5, 1997.

**CORRECTIONS**

Correct House Journal, Sixty-third Day, Wednesday, April 30, 1997, page 1417, roll call, by showing Representative Donovan voting "aye" rather than "absent with leave".

Pages 1417 and 1418, roll call, by showing Representative Donovan voting "aye" rather than "absent with leave".

Pages 1419 and 1420, roll call, by showing Representative Donovan voting "aye" rather than "absent with leave".

Page 1421, roll call, by showing Representatives Patek and Secrest voting "aye" rather than "absent with leave".

Page 1422, roll call, by showing Representatives Barnett and Secrest voting "aye" rather than "absent with leave".

Pages 1422 and 1423, roll call, by showing Representatives DeMarce and Secrest voting "aye" rather than "absent with leave".

Pages 1423 and 1424, roll call, by showing Representatives Froelker and Donovan voting "aye" rather than "absent with leave".

Pages 1424 and 1425, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".

Page 1426, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".

Pages 1427 and 1428, roll call, by showing Representative Akin voting "aye" rather than "absent with leave".

Page 1429, roll call, by showing Representative Cooper voting "aye" rather than "absent with leave".

Pages 1429 and 1430, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Pages 1430 and 1431, roll call, by showing Representatives Bartelsmeyer and Patek voting "aye" rather than "absent with leave".

Pages 1431 and 1432, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Page 1432, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Page 1433, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Page 1433, roll call, by showing Representative Patek voting "aye" rather than "no".

Pages 1433 and 1434, roll call, by showing Representatives Dolan, Kauffman and Patek voting "aye" rather than "absent with leave".

Pages 1434 and 1435, roll call, by showing Representative Bennett voting "aye" rather than "absent with leave".

Pages 1435 and 1436, roll call, by showing Representatives Bennett and Reynolds voting "aye" rather than "absent with leave".

Pages 1435 and 1436, roll call, by showing Representative Howerton voting "no" rather than "aye".

Page 1440, roll call, by showing Representatives Murray and Williams (121) voting "aye" rather than "absent with leave".

Page 1441, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Page 1443, roll call, by showing Representatives Bartelsmeyer and May (108) voting "aye" rather than "absent with leave".

Page 1446, roll call, by showing Representatives Hosmer, Kelly (27), Levin and May (108) voting "aye" rather than "absent with leave".

Page 1447, roll call, by showing Representatives Hegeman, Hosmer, Kelly (27) and Robirds voting "aye" rather than "absent with leave".

Page 1448, roll call, by showing Representatives Ross and Thomason (163) voting "aye" rather than "absent with leave".

Page 1450, roll call, by showing Representatives Loudon, McClelland and Ross voting "aye" rather than "absent with leave".

Page 1452, roll call, by showing Representatives Kelley (47), Relford and Thomason voting "aye" rather than "absent with leave".

Page 1453, roll call, by showing Representatives Days, Fitzwater, Kreider, Ross and Thomason (163) voting "aye" rather than "absent with leave".

Pages 1454 and 1455, roll call, by showing Representative Kelley (47) voting "aye" rather than "absent with leave".

Pages 1455 and 1456, roll call, by showing Representative Thomason (163) voting "aye" rather than "absent with leave".

Pages 1456 and 1457, roll call, by showing Representatives Kennedy and Thomason (163) voting "aye" rather than "absent with leave".

Pages 1456 and 1457, roll call, by showing Representative Kreider voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

CIVIL AND ADMINISTRATIVE LAW

Tuesday, May 6, 1997, 8:00 am. Hearing Room 1. Executive session may follow.

To be considered - SJR 14, SB 386

CRIMINAL LAW

Tuesday, May 6, 1997, 8:30 am. Hearing Room 5. Executive session.

CRITICAL ISSUES

Monday, May 5, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

AMENDED NOTICE

To be considered - SB 319, SB 225

ELECTIONS

Tuesday, May 6, 1997. Hearing Room 7 upon evening adjournment.

To be considered - SJR 13

JOINT COMMITTEE ON WETLANDS

Monday, May 5, 1997, 11:00 am. Hearing Room 7. Planning meeting.

LABOR

Tuesday, May 6, 1997, 8:00 pm. Hearing Room 8.

To be considered - HR 621

MUNICIPAL CORPORATIONS

Wednesday, May 7, 1997. Hearing Room 7 upon morning adjournment.

Executive session.

To be considered - SB 466

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Tuesday, May 6, 1997. Hearing Room 7 upon noon adjournment. Executive session.

To be considered - SB 320

WAYS AND MEANS

Monday, May 5, 1997. Side gallery upon adjournment. Executive session.

## HOUSE CALENDAR

SIXTY-FIFTH DAY, MONDAY, MAY 5, 1997

### HOUSE BILLS FOR PERFECTION

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending, - Shear

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

### HOUSE BILLS FOR PERFECTION - INFORMAL

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HCS HB 349, as amended, HS, adopted, pending - Koller

10 HCS HB 723, 789 & 372, as amended, - Dougherty

**HOUSE BILLS FOR THIRD READING**

1 HCS HB 664, (Budget Fiscal 4-16-97) - Ross

2 HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

3 HB 232, (Budget Fiscal 4-21-97) - Dougherty

4 HCS HB 508 & 145, (Budget Fiscal 4-30-97) - Stokan

5 HB 135, (Budget Fiscal 4-30-97) - Dougherty

6 HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

7 HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

HS HCS HB 282 - Kissell

**SENATE BILLS FOR THIRD READING**

1 SB 315, HCAs 1 & 2, (Budget Fiscal 4-24-97) - Koller

2 SB 264, (Budget Fiscal 4-29-97) - Thomason (163)

3 SB 176, (Budget Fiscal 4-29-97) - Leake

4 HCS SCS SB 263, E.C. - Mays (50)

5 SB 334, HCA 1 - Shelton (57)

6 HCS SCS SB 141, (Budget Fiscal 5-1-97) - Treadway

7 HCS SB 132, E.C. - Days

8 SS SB 97 - Green

9 HCS SB 347 - Hosmer

10 SB 299, E.C. (Budget Fiscal 4-30-97) - McBride/Thomason

11 HCS SS SB 121 - Williams (121)

12 HCS SCS SB 89 - Legan

13 HCS SS#2 SCS SB 202, 23 & 183, E.C. - Gunn

14 HCS SS SB 11 - Leake

15 SB 449, HCA 1 - Harlan

16 HCS SS SCS SB 165 - Rizzo

17 SB 67, HCA 1 - Steen

**HOUSE BILL WITH SENATE AMENDMENTS**

SS SCS HB 491, as amended, E.C. - Gaw

**BILLS CARRYING REQUEST MESSAGES**

SCS HCS HB 6, (Sen. request House pass CCS) - Tate

SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

HCS SCS SB 56, a.a. (Req. House recede/grant Sen. conf) - May (108)

HCS SB 298, a.a. (Req. House recede/grant Sen. conf) - Rizzo

HS HCS SCS SB 16, a.a. (Req. House recede/grant Sen. conf) - Backer

**BILLS IN CONFERENCE**

CCR SCS HCS HB 7, as amended, - Tate

CCR SCS HCS HB 8, as amended, - Franklin

CCR SCS HCS HB 9, as amended, - Lakin

CCR SCS HCS HB 10 - Carter

CCR SCS HCS HB 11 - Lakin

CCR SCS HCS HB 12, as amended, - Green/Franklin

HCS#2 SB 161 - Kelly (27)

HCS SCS SB 316 - Hoppe

HCS SB 387, E.C. - Smith

SCS HB 655, as amended, E.C. - May (108)

**SENATE CONCURRENT RESOLUTIONS**

HCS SCS SCR 7, (4-10-97, pgs. 1034 & 1035) - Burton

SCR 17, (2-20-97, pgs. 399 & 400) - Boucher

SCR 23, (4-10-97, pgs. 1035 & 1036) - Fritts

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-FIFTH DAY, Monday, May 5, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

God of power, giver of peace, ruler of justice, look with favor today upon this world you have made. Look with favor upon those here today who strive to make this world, this state a better place to live for its citizens.

Whether it's the issue of abortion or water safety, the budget or the security of marriage vows, these legislators have difficult decisions to make each day. They study, debate, and decide on issues that affect people across lines of race, sex, economic status, and political inclinations. Remind them as they work each day that the faces behind the statistics are depending on them to make things better as best they can.

God, as we remember an event that happened so many years ago as the Holocaust swept across the land, we pray that you will be present to the survivors of that terrible event. Be with us as we remember what happened, and as we remember history, may we not be doomed to repeat it.

And now remind these representatives, O Lord of compassion, that your guidance and forgiveness are a constant in our lives. Reassure them of your presence and give them the wisdom they need to make good decisions. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Michael Bialik, Jennifer Lambert, Kristin Smith, Kaci Timmons and Daniel Nolen.

The Journal of the sixty-fourth day was approved as corrected.

### RESOLUTIONS

Representative McClelland offered House Resolution No. 1022, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 1023, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Griesheimer and Overschmidt offered House Resolution No. 1024, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives McClelland and Hand offered House Resolution No. 1025, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 1026 through 1028, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kreider offered House Resolution No. 1029, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative DeMarce offered House Resolution No. 1030, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 1031, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution No. 1032, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 1033 through 1035, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution No. 1036, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **SCS HB 63, HB 250, HB 318, HB 327, SCS HB 386, HB 526, HB 622, HB 643, HB 712, HB 734, SCS HB 793** and **HB 797**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **HB 107, CCS HB 2, CCS HB 3, CCS HB 4** and **CCS HB 5**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **HB 850** and **HB 883**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **HB 18**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 106 Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 014

Crump Dougherty Farmer Graham 24 Gratz

Green Hand Hoppe Kauffman Long

Reynolds Stoll Troupe Williams 121

**BILL CARRYING REQUEST MESSAGE**

**HS HCS SCS SB 16, as amended,** relating to lobbying, campaign and ethics reform, was taken up by Representative Backer.

Representative Backer moved that the House refuse to recede from its position on **HS HCS SCS SB 16, as amended,** and grant the Senate a conference.

Which motion was adopted.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SS SCS HB 491, as amended**, relating to sales/use tax, was taken up by Representative Gaw.

Representative Gaw moved that the House refuse to adopt **SS SCS HB 491, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted by the following vote:

AYES: 114

Alter Backer Ballard Barry 100 Bauer

Bennett 15 Bland Bonner Boucher Bray 84

Campbell Carter Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 122 Days DeMarce Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Franklin Fritts

Gaskill Gaston Goward Graham 24 Graham 106

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Heckemeyer Hickey Holand

Hollingsworth Hosmer Howerton Johnson Kasten

Kelly 27 Kennedy Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Luetkenhaus Lumpe May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pryor

Ransdall Relford Rizzo Robirds Ross

Scheve Schilling Secrest Seigfreid Shear

Shelton 57 Skaggs Smith Steen Stokan

Stoll Stroker Summers Tate Thomason 163

Treadway Van Zandt Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 039

Akin Barnett 4 Bartelsmeyer Berkstresser Boatright

Broach Burton Champion Dolan Donovan

Foster Froelker Gibbons Green Hartzler 124

Hegeman Hendrickson Hohulin Kelley 47 Kissell

Linton Lograsso Long Loudon Marble

Naeger Pouche Purgason Reinhart Richardson

Ridgeway Sallee Schwab Scott Sheldon 104

Shields Surface Townley Vogel

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Davis 63 Farmer Gratz Hand

Hoppe Kauffman Reynolds Thompson 37 Troupe

**BILL CARRYING REQUEST MESSAGE**

**HCS SCS SB 56, as amended**, relating to court procedure, was taken up by Representative May (108).

Representative May (108) moved that the House refuse to recede from its position on **HCS SCS SB 56, as amended,** and grant the Senate a conference.

Which motion was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SCS SB 16**: Representatives Backer, Days, Fitzwater, Long and Bartelsmeyer.

**HCS SCS SB 56**: Representatives May (108), Hosmer, Seigfreid, Wannenmacher and Alter.

**SENATE BILLS FOR THIRD READING**

**HCS SCS SB 263**, relating to utilicare, was taken up by Representative Mays (50).

On motion of Representative Mays (50), **HCS SCS SB 263** was adopted.

On motion of Representative Mays (50), **HCS SCS SB 263** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Thomason 163 Townley
Treadway Van Zandt Vogel Wannenmacher Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Bennett 15 Farmer Gratz Green
Hand Hoppe Kauffman Lumpe Reynolds
Tate Thompson 37 Troupe Williams 121

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Alter Backer Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Berkstresser Bland Bonner
Boucher Bray 84 Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Elliott Enz Evans Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gibbons Goward
Graham 24 Graham 106 Green Griesheimer Gross
Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hickey Holand Hollingsworth
Hosmer Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Long Loudon Luetkenhaus Marble
May 108 Mays 50 McBride McClelland McLuckie
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Purgason Ransdall
Relford Rizzo Robirds Ross Sallee
Scheve Schilling Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Thomason 163 Thompson 37 Townley Treadway
Van Zandt Vogel Wannenmacher Wiggins Williams 159
Wilson Wooten Mr. Speaker

NOES: 017

Akin Boatright Broach Edwards-Pavia Gaston
Hall Hendrickson Hohulin Howerton Lograsso
Merideth Patek Reinhart Richardson Ridgeway
Schwab Steen

PRESENT: 000

ABSENT WITH LEAVE: 013

Auer Bennett 15 Dougherty Farmer Gratz
Hand Hoppe Kauffman Lumpe Reynolds
Tate Troupe Williams 121

On motion of Representative Barry, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

**SB 334, with House Committee Amendment No. 1**, relating to fee agents, was taken up by Representative Shelton (57).

Representative Shelton (57) offered **HS SB 334**.

Representative Purgason offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for Senate Bill No. 334, Page 6, Section 1, Line 10, by adding after said line the following:

"**The increased fees mentioned herein shall not take effect until such tax relief as mandated by the Hancock amendment is enacted**"; and

Amend title and enacting clause accordingly.

Representative Purgason moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 074

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Dolan Donovan Edwards-Pavia Elliott

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kelley 47

Legan Levin Linton Lograsso Loudon

Luetkenhaus Marble McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secrest Shields Steen Summers

Surface Townley Vogel Wooten

NOES: 081

Backer Barry 100 Bauer Bland Boucher

Bray 84 Campbell Carter Clayton Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dougherty Farnen Fitzwater

Foley Ford Franklin Fritts Goward

Graham 24 Green Gunn Hagan-Harrell Harlan

Heckemeyer Hickey Hollingsworth Hosmer Johnson

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Long

Lumpe May 108 Mays 50 McBride McLuckie

Monaco Murray O'Connor O'Toole Overschmidt

Parker Ransdall Relford Rizzo Scheve

Schilling Seigfreid Shear Sheldon 104 Shelton 57

Skaggs Smith Stokan Stoll Stroker

Tate Thomason 163 Thompson 37 Treadway Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Auer Farmer Gratz Hand Hoppe

Kauffman Reynolds Troupe

Representative Luetkenhaus assumed the Chair.

Representative Smith offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for Senate Bill No. 334, Page 6, Section 1, Lines 6-10, by deleting lines 6 through 10; and amend the title and enacting clause accordingly.

On motion of Representative Smith, House Amendment No. 2 was adopted.

Representative Shelton (57) moved that **HS SB 334, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 056

Backer Bauer Bland Bray 84 Carter

Clayton Copeland Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dougherty
Fitzwater Fritts Goward Gunn Hagan-Harrell
Hickey Hollingsworth Kelly 27 Kennedy Lakin
Lawson Leake Legan Long Lumpe
Mays 50 McBride Monaco Murray Naeger
Overschmidt Parker Relford Scheve Schilling
Seigfreid Shear Sheldon 104 Shelton 57 Smith
Stokan Stroker Tate Thomason 163 Thompson 37
Treadway Van Zandt Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 095

Akin Alter Ballard Barnett 4 Barry 100
Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner
Boucher Broach Burton Campbell Champion
Chrismer Cierpiot Cooper Crawford Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farnen Foster Franklin Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Green
Griesheimer Gross Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hohulin
Holand Hosmer Howerton Johnson Kasten
Kelley 47 Kissell Koller Kreider Levin
Liese Linton Lograsso Loudon Luetkenhaus
Marble May 108 McClelland McLuckie Merideth
Miller Murphy Nordwald O'Connor O'Toole
Ostmann Patek Pouche Pryor Purgason
Ransdall Reinhart Richardson Ridgeway Rizzo
Robirds Ross Sallee Schwab Scott
Secrest Shields Steen Stoll Summers
Surface Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Farmer Foley Ford Gratz
Hand Hoppe Kauffman Reynolds Skaggs
Troupe Wiggins

**SB 334, with House Committee Amendment No. 1**, was taken up by Representative Shelton (57).

On motion of Representative Shelton (57), House Committee Amendment No. 1 was adopted.

Speaker Pro Tem Kreider resumed the Chair.

Representative Loudon offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Bill No. 334, Page 2, Section 136.055, Line 23, by deleting the brackets in said subsection and further amend said bill by deleting the new language in the same section.

Representative Loudon moved that House Amendment No. 1 be adopted.

Which motion was defeated.

Representative Pouche made a privileged motion that **SB 334, as amended**, lay on the table.

Which motion was defeated by the following vote:

AYES: 056

Akin Ballard Barnett 4 Berkstresser Boatright

Broach Burton Champion Chrismer Cierpiot

Cooper Crawford Edwards-Pavia Elliott Enz

Evans Foster Gaskill Gaston Gibbons

Gross Hall Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kelley 47

Linton Lograsso Loudon Marble McClelland

Miller Murphy Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Ross Sallee Schwab Scott Secrest

Shields Steen Summers Surface Townley

Vogel

NOES: 093

Alter Backer Barry 100 Bartelsmeyer Bauer

Bennett 15 Bland Bonner Boucher Bray 84

Campbell Carter Clayton Copeland Crump

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Farnen Fitzwater Foley Ford

Franklin Fritts Froelker Goward Graham 24

Graham 106 Green Griesheimer Gunn Hagan-Harrell

Hartzler 123 Heckemeyer Hollingsworth Hosmer Johnson

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Long Luetkenhaus May 108 Mays 50 McBride

McLuckie Merideth Monaco Murray Naeger

Nordwald O'Connor O'Toole Overschmidt Parker

Ransdall Relford Reynolds Rizzo Robirds

Scheve Schilling Seigfreid Shear Sheldon 104

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Tate Thomason 163 Thompson 37 Treadway

Van Zandt Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Daniel 42 Daniels 41 Dougherty Farmer

Gratz Hand Harlan Hickey Hoppe

Kauffman Liese Lumpe Troupe

Representative Froelker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND Senate Bill No. 334, Page 2, Section 136.055, Line 12, by deleting "2000" on said line and inserting in lieu thereof "2006" and further amend said bill, Page 12, Line 16, by deleting "2000" and inserting in lieu thereof "2006".

Representative Froelker moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:

AYES: 074

Akin Alter Ballard Barnett 4 Bartelsmeyer

Berkstresser Boatright Broach Burton Champion

Chrismer Cierpiot Cooper Crawford Dolan

Donovan Edwards-Pavia Elliott Enz Evans

Foster Froelker Gaskill Gaston Gibbons

Graham 106 Griesheimer Gross Hall Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Kasten Kelley 47 Legan Levin

Lograsso Long Loudon Marble McClelland

Merideth Miller Murphy Naeger Nordwald

O'Connor Ostmann Patek Pouche Pryor

Purgason Reinhart Richardson Ridgeway Robirds

Ross Sallee Schwab Scott Secrest

Shields Steen Summers Surface Townley

Treadway Vogel Wannenmacher Williams 159

NOES: 077

Backer Barry 100 Bauer Bland Bonner

Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dougherty Farnen Fitzwater

Foley Ford Franklin Fritts Goward

Graham 24 Gunn Hagan-Harrell Harlan Heckemeyer

Hickey Hollingsworth Hosmer Johnson Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Monaco

Murray O'Toole Overschmidt Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Van Zandt Wiggins Williams 121 Wilson

Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bennett 15 Daniel 42 Farmer Gratz

Green Hand Hoppe Kauffman Linton

Thompson 37 Troupe

Representative Lograsso offered House Amendment No. 3.

*House Amendment No. 3*

AMEND Senate Bill No. 334, Page 4, Section 1, Line 5, by adding the following at the end of said line:

"Section 2. Any fee increase authorized by this act shall be considered a tax for the purpose calculating the limitations set forth in Article X, Section 18 of the Missouri Constitution."

Representative Lograsso moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Shelton (57) moved that **SB 334, as amended,** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 074

Backer Barry 100 Bauer Bland Boucher
Bray 84 Carter Clayton Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dougherty Farmer Farnen Fitzwater
Foley Franklin Fritts Goward Gunn
Hagan-Harrell Heckemeyer Hickey Hollingsworth Hosmer
Johnson Kennedy Koller Kreider Lakin
Leake Legan Liese Long Lumpe
May 108 Mays 50 McBride McLuckie Miller
Murray Naeger O'Connor O'Toole Overschmidt
Parker Relford Reynolds Scheve Schilling
Seigfreid Shear Sheldon 104 Shelton 57 Skaggs
Smith Stokan Stoll Stroker Summers
Thomason 163 Thompson 37 Treadway Van Zandt Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 079

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Bonner Broach
Burton Campbell Champion Chrismer Cierpiot
Cooper Crawford Dolan Donovan Elliott
Enz Evans Foster Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Green
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Holand Howerton
Kasten Kelley 47 Kelly 27 Lawson Levin
Linton Lograsso Loudon Luetkenhaus Marble
McClelland Merideth Monaco Murphy Nordwald
Ostmann Patek Pouche Pryor Purgason
Ransdall Reinhart Richardson Ridgeway Rizzo
Robirds Ross Sallee Schwab Scott

Secrest Shields Steen Surface Tate

Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Edwards-Pavia Ford Gratz Hand

Harlan Hoppe Kauffman Kissell Troupe

**HCS SB 132**, relating to elections, was taken up by Representative Days.

Representative Farnen offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 132, Page 53, Section 116.160, Line 13, by deleting the words "one hundred" and inserting in lieu thereof the word "fifty".

Representative Luetkenhaus resumed the Chair.

On motion of Representative Farnen, House Amendment No. 1 was adopted.

Speaker Gaw assumed the Chair.

Representative Hendrickson offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 132, Page 1, In the Title, Line 4, by deleting the number "115.363,"; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting after the number "115.361," the number "115.363,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the number "115.363,"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after the number "115.361," the number "115.363,"; and

Further amend said bill, Page 2, Section 115.013, Line 17, by deleting the word "**found**"; and

Further amend said bill, Page 2, Section 115.013, Lines 18 to 20, by deleting all of said lines and inserting in lieu thereof the following: "**a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office.**"; and

Further amend said bill, Page 35, Section 115.363, Line 40, by deleting the opening bracket "[" before the word "eleventh" and inserting an opening bracket "[" before the word "the".

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Hendrickson, House Amendment No. 2 was adopted.

Representative Howerton offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 132, Page 1, In the Title, Line 10, by deleting the word "sixty-six" and inserting in lieu thereof the word "sixty-seven"; and

Further amend said bill, Page 1, Section A, Line 8, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-five"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting after the number "115.247," the number "115.248,"; and

Further amend said bill, Page 21, Section 115.247, Line 21, by inserting after all of said line the following:

"**115.248. Whenever the reprinting of a statewide election ballot is necessary as a result of circumstances beyond the control of a local election authority, the costs of such reprinting shall be paid by the state.**".

On motion of Representative Howerton, House Amendment No. 3 was adopted by the following vote:

AYES: 084

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Cierpiot Cooper Crawford DeMarce

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Foster Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Griesheimer

Gross Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hickey Hohulin Holand Howerton

Kasten Kelley 47 Koller Kreider Lawson

Legan Levin Linton Lograsso Loudon

Luetkenhaus Marble Mays 50 McClelland Merideth

Miller Murphy Naeger Nordwald Ostmann

Overschmidt Patek Pouche Pryor Purgason

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Shields

Steen Summers Surface Thomason 163 Townley

Vogel Wannenmacher Williams 159 Wooten

NOES: 063

Backer Barry 100 Bauer Bland Bonner

Bray 84 Campbell Carter Clayton Copeland

Crump Daniel 42 Davis 63 Davis 122 Days

Dougherty Farmer Farnen Fitzwater Ford

Franklin Goward Green Gunn Hagan-Harrell

Harlan Hendrickson Hollingsworth Hosmer Johnson

Kelly 27 Kennedy Kissell Lakin Leake

Liese Long May 108 McBride McLuckie

Monaco Murray O'Toole Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Shelton 57 Skaggs Smith

Stokan Stoll Tate Treadway Van Zandt

Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 016

Auer Boucher Chrismer Daniels 41 Foley

Gratz Hand Hoppe Kauffman Lumpe

O'Connor Sheldon 104 Stroker Thompson 37 Troupe

Wiggins

Representative Hartzler (124) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 132, Page 58, Section C, Line 4, by inserting immediately after all of said line the following:

"81.070. **1.** At the next municipal election in all cities and towns under special charters and having three thousand inhabitants and not more than ten thousand inhabitants**, except as allowed in subsection 2 of this section**, and at each municipal election thereafter, there shall be elected a mayor, a councilman at large, one councilman from each ward, a constable, an attorney, a treasurer, who shall be, by virtue of [his] **the treasurer's** office, collector of the revenue of such city, an auditor, and a clerk, who shall hold their respective offices for two years, and until their successors are elected and qualified. And the city council shall provide by ordinance for the election or appointment of the following officer, to wit: An assessor; except that the governing bodies of cities in counties of the first class under a charter form of government which have attained a population of more than three thousand and less than ten thousand inhabitants subsequent to the granting of its special charter, may by ordinance provide that the terms of its original special charter relating to municipal officers, their election and terms shall continue in force notwithstanding the provisions of this section.

**2. At the next municipal election in all cities and towns under special charters with at least three thousand inhabitants and not more than ten thousand inhabitants and located in a county of the first or second classification that adjoins a county of the first classification with a charter form of government, the city council may place the question of whether the city council shall be allowed to appoint municipal offices, other than a mayor, a councilman at large and one councilman from each ward. The city council shall provide by ordinance the ballot language to be submitted to the voters. Upon approval by a majority of the qualified voters in such city or town voting on the question, the city council shall be allowed to appoint the specified offices.**"; and

Further amend the title and enacting clause accordingly.

Representative Fitzwater raised a point of order that House Amendment No. 4 is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Hartzler (124), House Amendment No. 4 was adopted by the following vote:

AYES: 092

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Bonner Broach
Burton Carter Champion Chrismer Cierpiot
Cooper Crawford Davis 122 DeMarce Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Ford Foster Fritts Gaskill Gaston
Gibbons Graham 106 Griesheimer Gross Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Howerton Kasten
Kelley 47 Kissell Koller Liese Linton
Lograsso Loudon Luetkenhaus Marble May 108
McClelland Miller Murphy Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Reinhart
Ridgeway Robirds Ross Sallee Schilling
Schwab Scott Secrest Sheldon 104 Shields
Steen Stoll Stroker Summers Surface
Thomason 163 Townley Treadway Vogel Wannenmacher
Williams 159 Wooten

NOES: 048

Backer Barry 100 Bauer Bland Boucher
Bray 84 Campbell Clayton Crump Daniel 42
Davis 63 Days Dougherty Farmer Farnen
Fitzwater Franklin Graham 24 Gunn Hagan-Harrell
Hollingsworth Johnson Kennedy Lakin Lawson
Leake Mays 50 McLuckie Merideth Monaco
Murray Ransdall Relford Reynolds Rizzo
Scheve Seigfreid Shear Shelton 57 Skaggs
Smith Stokan Tate Van Zandt Wiggins
Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 023

Auer Copeland Daniels 41 Foley Froelker

Goward Gratz Green Hand Harlan

Hoppe Hosmer Kauffman Kelly 27 Kreider

Legan Levin Long Lumpe McBride

Richardson Thompson 37 Troupe

On motion of Representative Days, **HCS SB 132, as amended,** was adopted.

On motion of Representative Days, **HCS SB 132, as amended,** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Summers Surface Tate Thomason 163 Townley

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer Bland Copeland Daniels 41 Foley

Gratz Hand Hoppe Kauffman McBride

Stroker Thompson 37 Treadway Troupe

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Kissell, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

**BILL CARRYING REQUEST MESSAGE**

**HCS SB 298, with House Amendment No. 1**, relating to Kansas City and St. Louis Police Retirement, was taken up by Representative Rizzo.

On motion of Representative Rizzo, the House receded from its position on House Amendment No. 1.

On motion of Representative Rizzo, **HCS SB 298** was read the third time and passed by the following vote:

AYES: 143

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Monaco Murphy

Murray Naeger Nordwald O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Smith Steen Stokan Stroker

Summers Surface Tate Thomason 163 Townley

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 020

Auer Daniels 41 Foley Gratz Hand

Hickey Hollingsworth Hoppe Kauffman Kennedy

Long McBride Miller O'Connor Skaggs

Stoll Thompson 37 Treadway Troupe Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF SENATE BILLS**

**HCS SB 347**, relating to HIV and prostitution, was taken up by Representative Hosmer.

Representative Bauer offered House Amendment No. 1

Representative Shields raised a point of order that House Amendment No. 1 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Van Zandt offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 347, Page 3, Section 567.120, Line 1, by deleting the words "**arrested for**" and inserting in lieu thereof the words "**found guilty of**".

Representative Van Zandt moved that House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 051

Auer Bennett 15 Bland Bray 84 Campbell
Carter Clayton Cooper Davis 63 Days
DeMarce Edwards-Pavia Evans Farmer Farnen
Foley Ford Froelker Gaskill Gibbons
Goward Graham 24 Graham 106 Green Gunn
Hagan-Harrell Hall Harlan Hickey Liese
Lograsso Mays 50 McClelland McLuckie Monaco
Murray Nordwald O'Connor Ostmann Pryor
Reynolds Ridgeway Ross Schilling Shear
Sheldon 104 Shelton 57 Stokan Stoll Van Zandt
Wilson

NOES: 094

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Berkstresser Boatright
Bonner Boucher Broach Burton Champion
Chrismer Cierpiot Copeland Crawford Crump
Daniels 41 Davis 122 Dolan Donovan Elliott
Enz Fitzwater Foster Franklin Fritts
Gaston Griesheimer Gross Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hosmer Howerton

Johnson Kasten Kelley 47 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Linton Loudon Luetkenhaus

Marble May 108 McBride Merideth Miller

Murphy Naeger O'Toole Overschmidt Parker

Patek Pouche Purgason Ransdall Reinhart

Relford Richardson Rizzo Robirds Sallee

Scheve Schwab Secrest Seigfreid Shields

Skaggs Smith Stroker Summers Surface

Tate Thomason 163 Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 018

Daniel 42 Dougherty Gratz Hand Hohulin

Holand Hollingsworth Hoppe Kauffman Kelly 27

Long Lumpe Scott Steen Thompson 37

Townley Treadway Troupe

Representative Broach offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 347, Page 1, In the Title, Line 3, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and number "and 567.120" and inserting in lieu thereof the following: ", 567.120 and 1"; and

Further amend said bill, Page 3, Section 567.120, Line 3, by inserting after all of said line the following:

"**Section 1. 1. On a first offense, any persistent sexual offender as defined in section 558.018, RSMo, or predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, and the victim was less than thirteen years of age, may, upon parole, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment provided by law, at the discretion of the sentencing court.**

**2. On a second offense, any persistent sexual offender as defined in section 558.018, RSMo, or predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, and the victim was less than thirteen years of age, shall, upon parole, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment provided by law.**

**3. On a third offense, any persistent sexual offender as defined in section 558.018, RSMo, or predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo,**

**shall, upon parole, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment provided by law.**

**4. The parolee shall begin medroxyprogesterone acetate treatment one week prior to release from confinement and shall continue treatments until the board of probation and parole demonstrates to the sentencing court that the treatment is no longer necessary.**

**5. Any offender who is otherwise subject to this section shall no longer be subject to this section if the offender voluntarily undergoes a permanent, surgical alternative to the treatment.**

**6. The court may decline to apply the provisions of this section to any defendant less than eighteen years of age if the victim consented to the act.**

**7. The department of corrections shall promulgate such rules as are necessary to implement the provisions of this section.**

**8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.**".

Representative Broach raised a point of order that House Amendment No. 2 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

**HCS SB 347, with House Amendment No. 2, pending**, was laid over.

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SBs 49, 213, 130, 32, 235 & 221** - Budget (Fiscal Note)

**HCS SS #3 SCS SB 51** - Budget (Fiscal Note)

**HCS SS #2 SCS SBs 202, 23 & 183** - Budget (Fiscal Note)

**COMMITTEE REPORTS**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SB 187**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment Nos. 1 and 2.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 187, Page 1, In the Title, Line 2, by deleting the word and number "section 168.021" and inserting in lieu thereof the following: "sections 168.021 and 168.405"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new sections" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Sections 168.021 and 168.405, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 168.021 and 168.405, to read"; and

Further amend said bill, Page 2, Section 168.021, Line 19, by inserting immediately after the word "**person**" the words "**, including an administrator,**"; and

Further amend said bill, Page 2, Section 168.021, Line 22, by inserting immediately after the word "**schools.**" the words "**Such experience shall have been obtained in the ten years immediately preceding application for provisional certification. Administrators shall be subject to completion of the assessment center pursuant to section 168.405.**"; and

Further amend said bill, Page 3, Section 168.021, Line 73, by inserting after all of said line the following:

"168.405. There is hereby established an "Administrator Assessment Center", which shall be organized and administered by the department of elementary and secondary education, either individually or through contract, for the purpose of assessing prospective school administrators. Beginning September 1, 1988, all prospective administrators**, including those with five or more years experience within the immediately preceding ten years in another state,** seeking initial administration certification shall make application to and be approved by the department of elementary and secondary education for admission to the administrator assessment center. The assessment established [under] **pursuant to** this section shall include, but need not be limited to, simulations, observations, evaluations and recommendations. The assessment shall be reviewed by the certifying authority prior to issuance of a certificate. An unsatisfactory assessment shall result in the nonissuance of a certificate. Persons who are aggrieved by the nonissuance of a certificate may appeal such nonissuance in the manner provided in section 168.071.".

*House Committee Amendment No. 2*

AMEND Senate Bill No. 187, Page 1, In the Title, Line 2, by deleting the following: "section 168.021" and inserting in lieu thereof the following: "sections 168.015 and 168.021"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Sections 168.015 and 168.021, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 168.015 and 168.021, to read as follows:

168.015. 1. There is hereby established within the department of elementary and secondary education, the "Missouri Advisory Council of Certification for Educators", hereinafter known as the "advisory council", which shall be composed of twenty-five members to be appointed by the state board of education [on the recommendation of the commissioner of education]. Of the twenty-five members of the council, [fifteen] **seventeen** must be active public school classroom teachers **recommended by educational associations representing classroom teachers, including one representative of special education and one of vocational education; four must be recommended by associations representing college-level teacher education; one must be recommended by an educational association representing school boards; and three must be recommended by educational associations representing principals and superintendents**.

2. The duties and responsibilities of the advisory council shall include, but not be limited to:

(1) **Adopting bylaws, including but not limited to the organization and structure of the council;**

**(2)** Making recommendations **to the state board** for the criteria and procedures whereby the quality and effectiveness of teacher and school administrator education programs within the state shall be evaluated;

[(2)] **(3)** Making recommendations **to the state board** for the requirements for the certification of public school teachers and administrators;

[(3)] **(4)** Making recommendations **to the state board** for the standards for renewal of certificates for public school teachers and administrators using academic course work as well as other types of professional development;

[(4)] **(5)** Making recommendations [concerning rules and regulations with respect] to **the state board for criteria for** suspension and revocation of certificates of license to teach;

[(5)] **(6)** Requesting and receiving reports from committees consisting of representatives from various professional groups, qualified in respective curriculum areas and other specialized areas, to assist in the formulation of recommendations of the advisory committee to the [commissioner] **state board** of education with respect to certification of public school teachers and administrators;

[(6)] **(7)** Making recommendations **to the state board, for criteria** for limiting the issuance of temporary certificates that are granted to those who do not meet the full requirements for certification.

**3. If the state board of education rejects a recommendation of the advisory council, it shall furnish in writing the reasons for rejection.**"; and

Further amend said bill, Page 1, Section 168.021, Line 3, by inserting immediately after the word "board," an opening bracket "["; and

Further amend said bill, Page 1, Section 168.021, Line 4, by inserting immediately after the word "it," a closing bracket "]"; and

Further amend said bill, Page 1, Section 168.021, Line 7, by inserting immediately after the word "board," an opening bracket "["; and

Further amend said bill, Page 1, Section 168.021, Line 9, by inserting immediately after the number "168.015" a closing bracket "]".

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **SB 21**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 343**, entitled:

An act to repeal sections 192.016, 193.125, 210.491, 211.444, 211.447, 453.005, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and sections 210.109 and 453.060, RSMo Supp. 1996, relating to adoption, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 218**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 600 & 388**, entitled:

An act to repeal sections 191.331 and 376.995, RSMo Supp. 1996, relating to limited mandate health insurance act, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

With Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 600 & 388, Page 1, In the Title, Line 3, by striking the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by striking the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the following: "and 376.1219" and inserting in lieu thereof the following: ", 376.1219 and 1"; and

Further amend said bill, Page 3, Section 191.331, Lines 63-78, by striking all of said lines; and

Further amend said bill, Page 5, Section 376.1219, Line 20, by inserting immediately after all of said line the following:

"**Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of sections 191.331, 376.995 and 376.1219, RSMo, the department shall be required to prove by a preponderance of evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of sections 191.331, 376.995 and 376.1219, RSMo, shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of sections 191.331, 376.995 and 376.1219, RSMo, shall be subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.**

**5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.**".

*Senate Committee Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 600 & 388, Page 2, Section 191.331, Line 35, by striking the word "may" and inserting in lieu thereof the word "**shall**".

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 600 & 388, Page 5, Section 376.1219.1, Line 9, by deleting from said line the words "or any inherited disease of amino and organic acids".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HJR 16**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 50 of article III of the Constitution of Missouri relating to initiative petitions, and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 424 & 534**, entitled:

An act to repeal sections 252.085 and 252.230, RSMO 1994, relating to the department of conservation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions, and an emergency clause for a certain section.

With Senate Committee Amendment No. 1, Senate Committee Amendment No. 2, and Senate Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 424 & 534, Page 2, Section 252.245, Line 6, by striking the word "may" and inserting in lieu thereof the following: "**shall**"; and

Further amend said bill, page and section, Line 17, by inserting after the word "persons" the following: "**functioning within the scope and purpose of the designated authority and**".

*Senate Committee Amendment No. 2*

AMEND House Committee Substitute for House Bill Nos. 424 & 534, Page 2, Section 252.245, Line 23, by striking the following: "and other persons".

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill Nos. 424 & 534, Page 3, Section 252.085, Line 34, by inserting immediately after all of said line the following:

"**Section 1. Notwithstanding any other provision of the law to the contrary, the commission shall not sell, lease or otherwise convey any property owned, operated, managed or leased by the commission to any gaming facility as defined in chapter 313 RSMo.**"; and

Further amend the title and enacting clause accordingly.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 257**, entitled:

An act to repeal sections 361.170, 362.471, 362.610, 362.915, 400.3-118, 400.4-111 and 427.041, RSMo 1994, and sections 304.155 and 362.077, RSMo Supp. 1996, relating to financial institutions, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with an emergency clause for a certain section.

With Senate Amendment No. 2 and Senate Amendment No. 3

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Bill No. 257, Page 6, Section 304.155, Lines 152-157, by striking said lines and inserting in lieu thereof the following:

"12. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel [by having such property towed] **without the knowledge or cooperation of the owner**, then the [towing company and the lienholder] **repossesser** shall notify the [Missouri state highway patrol of such tow within one hour] **local law enforcement agency where the repossession occurred within two hours** of the [tow being made] **repossession** and shall further provide the [patrol] **local law enforcement agency** with any additional information the [patrol] **agency** deems appropriate. **The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.**"

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Bill No. 257, Page 8, Section 362.077, Line 14, by striking "Nor shall such" and inserting in lieu thereof "**Such**"; and

Further amend Page 8, Line 14, by inserting immediately after the word "limitation", the words "shall also not";

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 628**, entitled:

An act to repeal section 162.431, RSMo 1994, relating to changing boundaries of school districts, and to enact in lieu thereof one new section relating to the same subject.

With Senate Committee Amendment No. 1, Senate Committee Amendment No. 2

*Senate Committee Amendment No. 1*

AMEND House Bill No. 628, Page 1, In the Title, Line 2, by inserting immediately after "1994," the following: "and section 163.011, RSMo Supp. 1996,"; and further amend said line by striking the following: "changing boundaries of"; and

Further amend said bill and page, in the title, line 3, by striking the following: "one new section" and inserting in lieu thereof the following: "two new sections"; and further amend said line, by inserting immediately after "subject" the following: ", with an emergency clause for a certain section"; and

Further amend said bill and page, section A, line 1, by striking the following: "is repealed and one new section" and inserting in lieu thereof the following: "and section 163.011, RSMo Supp. 1996, are repealed and two new sections"; and

Further amend said bill, page and section, line 2, by striking the following: "section 162.431" and inserting in lieu thereof the following: "sections 162.431 and 163.011"; and

Further amend said bill, page 2, section 162.431, line 32, by inserting after all of said line the following:

"163.011. As used in this chapter unless the context requires otherwise:

(1) "Adjusted gross income":

(a) "District adjusted gross income per return" shall be the total Missouri individual adjusted gross income in a school district divided by the total number of Missouri income tax returns filed from the school district as

reported by the state department of revenue for the second preceding year;

(b) "State adjusted gross income per return" shall be the total Missouri individual adjusted gross income divided by the total number of Missouri individual income tax returns, of those returns designating school districts, as reported by the state department of revenue for the second preceding year;

(c) "District income factor" shall be one plus thirty percent of the difference of the district income ratio minus one, except that the district income factor applied to the portion of the assessed valuation corresponding to any increase in assessed valuation above the assessed valuation of a district as of December 31, 1994, shall not exceed a value of one;

(d) "District income ratio" shall be the ratio of the district adjusted gross income per return divided by the state adjusted gross income per return;

(2) "Average daily attendance" means the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district **or is a regular employee of the school district** which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(4) "Eligible pupils" shall be the sum of the average daily attendance of the school term plus the product of two times the average daily attendance for summer school;

(5) "Equalized assessed valuation of the property of a school district" shall be determined by multiplying the assessed valuation of the real property subclasses specified in section 137.115, RSMo, times the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent and dividing by either the percent of true value as determined by the state tax commission on or before March fifteenth preceding the fiscal year in which the valuation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater. To the equalized locally assessed valuation of each district shall be added the assessed valuation of tangible personal property. The assessed valuation of property which has previously been excluded from the tax rolls, which is being contested as not being taxable and which increases the total assessed valuation of the school district by fifty percent or more, shall not be included in the calculation of equalized assessed valuation under this subdivision;

(6) "Free and reduced lunch eligible pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) "Guaranteed tax base" means the amount of equalized assessed valuation per eligible pupil guaranteed each school district by the state in the computation of state aid. To compute the guaranteed tax base, school districts shall be ranked annually from lowest to highest according to the amount of equalized assessed valuation per pupil. The guaranteed tax base shall be based upon the amount of equalized assessed valuation per pupil of the school district in which the ninety-fifth percentile of the state aggregate number of pupils falls during the third preceding year and shall be equal to the state average equalized assessed valuation per eligible pupil for the third preceding year times two and one hundred and sixty-seven thousandths. The average equalized assessed valuation per pupil shall be the quotient of the total equalized assessed valuation of the state divided by the number of eligible pupils;

(8) "Membership" shall be the average of (1) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days and (2) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(9) "Operating levy for school purposes" means the sum of tax rates levied for teachers and incidental funds in the payment year and shall be, after all adjustments and equalization of the operating levy, no less than the minimum value required in section 163.021 for eligibility for increases in state aid as calculated pursuant to section 163.031 and no greater than a maximum value of four dollars and sixty cents per one hundred dollars assessed valuation. To equalize the operating levy, multiply the aggregate tax rates for teachers, incidental, and building funds by either the percent of true value, as determined by the state tax commission on or before March fifteenth preceding the fiscal year in which the evaluation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater, and divide by the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, provided that for any district for which the equivalent sales ratio is equal to or greater than thirty-three and one-third percent, the equalized operating levy shall be the adjusted operating levy. For any county in which the equivalent sales ratio is less than thirty-one and two-thirds percent, the state tax commission shall conduct a second study in that county and shall use a sample at least twice as large as the one originally used. If the new ratio is higher than the original ratio provided by this subdivision, the new ratio shall be used for the purposes of this subdivision and for determining equalized assessed valuation pursuant to subdivision (5) of this section. For the purposes of calculating state aid pursuant to section 163.031, for any district which has not enacted a voluntary tax rate rollback nor increased the amount of a voluntary tax rate rollback from the previous year's amount, the tax rate used to determine a district's entitlement shall be adjusted so that any decrease in the entitlement due to a decrease in the tax rate resulting from the reassessment shall equal the decrease in the deduction for the assessed valuation of the district as a result of the change in the tax rate due to reassessment. The tax rate adjustments required under this subdivision due to reassessment shall be cumulative and shall be applied each year to determine the tax rate used to calculate the entitlement; except that whenever the actual current operating levy exceeds the tax rate calculated pursuant to this subdivision for the purpose of determining the district's entitlement, then the prior tax rate adjustments required under this subdivision due to reassessment shall be eliminated and shall not be applied in determining the tax rate used to calculate the district entitlement;

(10) "School purposes" pertains to teachers and incidental funds;

(11) "Teacher" means any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(12) "Adjusted operating levy", the sum of tax rates for the current year for teachers and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(13) "Current operating costs", all expenditures for instruction and support services excluding capital outlay and debt service expenditures less the revenue from federal categorical sources, food service, student activities and payments from other districts.

Section B. Because of the immediate need to allow pupils to attend school in certain districts for the next school year, Section 163.011 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and Section 163.011 shall be in full force and effect upon its passage and approval.".

*Senate Committee Amendment No. 2*

AMEND House Bill No. 628, Page 1, Section 162.431, Lines 6-7, by striking the following from said lines: "or one hundred voters, whichever is the higher number".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 700**, entitled:

An act to amend chapter 10, RSMo, relating to official state emblems by adding thereto two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SB 284**, entitled:

An act to repeal sections 37.010 and 103.059, RSMo 1994, and sections 8.710, 29.100, 33.090, 34.050, 36.060, 36.070, 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 276.406, 287.650, 326.110, 333.111, 337.050, 361.105, 374.045, 454.400, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, relating to rulemaking, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Hoppe.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Tuesday, May 6, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-fourth Day, Thursday, May 1, 1997, pages 1474 and 1475, roll call, by showing Representative Days voting "aye" rather than "absent with leave".

Pages 1477 and 1478, roll call, by showing Representative Kasten voting "no" rather than "aye".

Pages 1477 and 1478, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

Pages 1478 and 1479, roll call, by showing Representative Kasten voting "aye" rather than "absent with leave".

Pages 1479 and 1480, roll call, by showing Representative Kasten voting "aye" rather than "absent with leave".

Page 1481, roll call, by showing Representative Days voting "aye" rather than "absent with leave".

Pages 1483 and 1484, roll call, by showing Representative Relford voting "aye" rather than "absent with leave".

Pages 1489 and 1490, roll call, by showing Representatives Hickey and Goward voting "no" rather than "absent with leave".

Pages 1489 and 1490, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Page 1491, roll call, by showing Representatives Hickey, Surface, and Dolan voting "aye" rather than "absent with leave".

Page 1492, roll call, by showing Representatives Davis (63), Hickey, Luetkenhaus, Williams (121) and Surface voting "aye" rather than "absent with leave".

Pages 1498 and 1499, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".

Page 1500, roll call, by showing Representatives Parker and Surface voting "aye" rather than "absent with leave".

Page 1500, roll call, by showing Representative Days voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Tuesday, May 6, 1997, 8:30 am. Hearing Room 9. Executive session. AMENDED NOTICE

To be considered - SB 141, SB 299, SB 202

CIVIL AND ADMINISTRATIVE LAW

Tuesday, May 6, 1997, 8:00 am. Hearing Room 1. Executive session may follow.

To be considered - SJR 14, SB 386

CRIMINAL LAW

Tuesday, May 6, 1997, 8:30 am. Hearing Room 5. Executive session.

EDUCATION - ELEMENTARY AND SECONDARY

Tuesday, May 6, 1997. Hearing Room 8 upon morning adjournment.

To be considered - SB 168

ELECTIONS

Tuesday, May 6, 1997. Hearing Room 7 upon evening adjournment.

To be considered - SJR 13

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, May 6, 1997, 9:00 am. Hearing Room 7.

JUDICIARY

Tuesday, May 6, 1997. Hearing Room 5 upon morning adjournment. AMENDED NOTICE

To be considered - SB 2, SB 173, SB 404

LABOR

Tuesday, May 6, 1997, 8:00 pm. Hearing Room 8. AMENDED NOTICE

Executive session to follow.

To be considered - HR 621

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 7, 1997, 9:00 am. Hearing Room 7. Executive session may follow.

To be considered - SB 274

MUNICIPAL CORPORATIONS

Wednesday, May 7, 1997. Hearing Room 7 upon morning adjournment.

Executive session.

To be considered - SB 466

PUBLIC HEALTH AND SAFETY

Tuesday, May 6, 1997, 9:30 am. Hearing Rooms 3 and 4. AMENDED NOTICE

Executive session to follow.

To be considered - HR 995

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Tuesday, May 6, 1997. Hearing Room 7 upon noon adjournment. Executive session.

To be considered - SB 320

**HOUSE CALENDAR**

SIXTY-SIXTH DAY, TUESDAY, MAY 6, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending - Shear

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

HB 570, as amended - Stoll

HCS HB 155, 81 & 171 - Farmer

HCS HB 426, 576 & 567 - Luetkenhaus

HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

HCS HB 396 - Hosmer

HCS HB 748 & 605 - McLuckie

HCS HB 146 - Scheve

HCS HB 436 & 260 - Treadway

HS HCS HB 349, as amended, HS, adopted, pending - Koller

HCS HB 723, 789 & 372, as amended - Dougherty

**HOUSE BILL FOR THIRD READING - APPROPRIATIONS**

HCS HB 18 - Lumpe

**HOUSE BILLS FOR THIRD READING**

HCS HB 664, (Budget Fiscal 4-16-97) - Ross

HCS HB 50, (Budget Fiscal 4-21-97) - Gratz

HB 232, (Budget Fiscal 4-21-97) - Dougherty

HCS HB 508 & 145, (Budget Fiscal 4-30-97) - Stokan

HB 135, (Budget Fiscal 4-30-97) - Dougherty

HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long

HS HB 850, E.C. - Kelly (27)

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

HS HCS HB 282 - Kissell

**HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HB 883 - Clayton

**SENATE BILL FOR SECOND READING**

SS#2 SCS SB 284

**SENATE BILLS FOR THIRD READING**

1 SB 315, HCAs 1 & 2, (Budget Fiscal 4-24-97) - Koller

2 SB 264, (Budget Fiscal 4-29-97) - Thomason (163)

3 SB 176, (Budget Fiscal 4-29-97) - Leake

4 HCS SCS SB 141, (Budget Fiscal 5-1-97) - Treadway

5 SS SB 97 - Green

6 HCS SB 347, HA 2, pending - Hosmer

7 SB 299, E.C. (Budget Fiscal 4-30-97) - McBride/Thomason (163)

8 HCS SS SB 121 - Williams (121)

9 HCS SCS SB 89 - Legan

10 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn

11 HCS SS SB 11 - Leake

12 SB 449, HCA 1 - Harlan

13 HCS SS SCS SB 165 - Rizzo

14 SB 67, HCA 1 - Steen

15 HCS SS SB 248, E.C. - May (108)

16 HCS SB 21, E.C. - Hoppe

17 HCS SS SB 361, E.C. - Dougherty

18 SB 128 - Liese

19 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty

20 SCS SB 49, 213, 130, 32, 235 & 221, HCAs 1, 2, 3, 4 (Budget Fiscal 5-5-97) - Crump

21 SB 358, HCAs 1, 2, 3

**BILLS CARRYING REQUEST MESSAGES**

SCS HCS HB 6, (Sen. request House pass CCS) - Tate

SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

SS SCS HB 491, a.a. (Req. Sen. recede/grant House conf.) - Gaw

HS HCS SB 218, (Req. House recede/grant Sen. Conf) - Crump

**BILLS IN CONFERENCE**

1 CCR SCS HCS HB 7, as amended - Tate

2 CCR SCS HCS HB 8, as amended - Franklin

3 CCR SCS HCS HB 9, as amended - Lakin

4 CCR SCS HCS HB 10 - Carter

5 CCR SCS HCS HB 11 - Lakin

6 CCR SCS HCS HB 12, as amended - Green/Franklin

7 HCS#2 SB 161 - Kelly (27)

8 HCS SCS SB 316 - Hoppe

9 HCS SB 387, E.C. - Smith

10 SCS HB 655, as amended, E.C. - May (108)

11 HS HCS SCS SB 16, as amended - Backer

12 HCS SCS SB 56, as amended - May (108)

**SENATE CONCURRENT RESOLUTIONS**

HCS SCS SCR 7, (4-10-97, pgs. 1034 & 1035) - Burton

SCR 17, (2-20-97, pgs. 399 & 400) - Boucher

SCR 23, (4-10-97, pgs. 1035 & 1036) - Fritts

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Printer Friendly

# House Journal

## First Regular Session, 89th General Assembly

SIXTY-SIXTH DAY, Tuesday, May 6, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"See what love the Father has given us that we should be called children of God." (I John 3:1).

Eleanor Spiller has this sign on her desk in the hall:

"Tell me and I forget

Show me and I remember

Involve me and I understand."

Gracious God, how often life would be more simple, less frustrating if we followed that simple piece of advice. Teach us to take the time, to have the respect, to overcome the fear, that so often makes us ignore that advice and inflict the hurt and the pain which perpetuate or cause alienation. Make us healers and bridge-builders and community leaders by starting out small, where we are, by working as partners with our family, in our places of worship, our regular jobs and in this House to benefit from the talents and the gifts of each person. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Leslie Mehmert, Kathy Hegerfeld, Justin Hartge, Becca Cramer, Ashley Johnson, Tanya Dye, Amber Williams, Debra Collier, Micheal Anderson, Lauren Garten, Luke Lachmann, Stephanie Miller, Erika Ponzar, Philip Cantwell, Lindsay Murray, Blaire Willenbrock, Ashley Roberts, Ashley Kidwiler, Ida Beth Wombwell, Troy Wilson, Kenny Vaughn, Alexandra Bryant, Chris Ulinski, Nicky Wright, Marissa Anderson and Mark White.

The Journal of the sixty-fifth day was approved as corrected.

**RESOLUTIONS**

Representative Days offered House Resolution No. 1037, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution Nos. 1038 through 1041, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murphy offered House Resolution Nos. 1042 through 1057, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ransdall offered House Resolution Nos. 1058 and 1059, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (123) offered House Resolution Nos. 1060 through 1064, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 1065, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Auer offered House Resolution Nos. 1066 through 1068 which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative May (108) offered House Resolution No. 1069, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution No. 1070, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Williams (121) offered House Resolution No. 1071, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 1072, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**SECOND READING OF SENATE BILL**

**SS#2 SCS SB 284** was read the second time.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 56 as amended**: Senators Schneider, Caskey, Howard, Klarich and Rohrbach.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 387**: Senators Schneider, Howard, Johnson, Kinder and Yeckel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SCS SB 316**: Senators Mathewson, DePasco, Wiggins, Kenney and Graves.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 655 as amended**: Senators Caskey, Scott, Mathewson, Klarich and Graves.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 241 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 132 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 99**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 491 as amended** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Banks, Mathewson, Scott, Flotron and Klarich.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 523**, entitled:

An act relating to certain road districts.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 523, Page 1, Section 1, Line 2, by inserting immediately after the word "and" the word "**either**"; and

Further amend said bill, Page 1, Section 1, Line 3, by inserting immediately after the word "thousand" the following: "**or bordering a city not within a county**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 340**, entitled:

An act to repeal sections 204.257 and 204.300, RSMo 1994, relating to sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 340, Page 3, Section 204.300.2, Line 43, by adding after the word "trustees.", the following:

**The trustees shall receive no compensation for their services, but may be compensated for their reasonable expenses normally incurred in the performance of their duties.**

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 823**, entitled:

An act to repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to community corrections, and to enact in lieu thereof three new sections relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 823, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"**To repeal sections 217.010 and 217.777, RSMo Supp. 1996, relating to corrections and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.**"; and

Further amend said bill, Page 1, Section A, Lines 1-3, by deleting all of said lines and inserting in lieu thereof the following:

"**Section A. Sections 217.010 and 217.777, RSMo Supp. 1996, are repealed and four new sections enacted in lieu thereof, to be known as sections 217.010, 217.440, 217.777 and 1, to read as follows:**"; and

Further amend said bill, Page 3, Line 42, by adding after all of said line the following:

"**Section 1. 1. The commissioner of administration is authorized to enter into a contract with a developer for the design and construction of a minimum security correctional facility in any city located within at least four counties.**

**2. The commissioner shall advertise for proposers in accordance with the requirements of section 8.250, RSMo. The commissioner shall select the five most qualified design and construction teams and ask each of the five to submit a schematic design proposal for the facility along with a detailed construction bid. The commissioner shall select the proposer who provides the lowest and best proposal based on the pre-established criteria.**

Section B. Because immediate action is necessary to provide for the adequate facilities to incarcerate those who pose a threat to the citizenry, Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution. Section A of this act shall be in full force and effect upon its passage and approval.".

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 722**, entitled:

An act to authorize the lease of certain property to a developer for the purpose of constructing a prison to be leased to the state.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND House Bill No. 722, Page 1, In the Title, Lines 2 and 3, by striking all of said lines and inserting in lieu thereof the following: "Relating to certain public property transactions."; and

Further amend said bill, page 2, section 1, line 28, of said page, by inserting immediately after all of said the following:

"**Section 2. The director of the department of natural resources is authorized to transfer by quit claim deed, to the governor of the state of Missouri interest in property in Lafayette County more particularly described as follows:**

**"Tract No. 1**

**Part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 50 North, Range 26 West, Lafayette County, Missouri, more particularly described as follows:**

**From the southwest corner of said Section 25; thence North 1 degree 20'24"E. along the Section Line, 41.79 feet to a point on the northerly line of Missouri State Route 13, and the POINT OF BEGINNING for this description; thence continuing North 1 degree 20'24"E. along the Section Line, 995.72 feet to the westerly line of County Road No. 163; thence Southerly, along the westerly line of said County Road, the following courses: S27 degrees 02'37"E. 461.01 feet, thence on a curve to the right, having a radius of 511.17 feet, an arc distance of 276.43 feet (the chord of said curve being S11 degrees 33'06"E. 273.07 feet); thence S03 degrees 56'26"W. 334.28 feet to a point on the northerly line of Missouri State Road 13; thence leaving the westerly line of the County Road, along the northerly line of Missouri State Route 13, the following courses: N87 degrees 34'48"W. 166.43 feet; thence North 2 degrees 25'12"E 5.00 feet; thence N87 degrees 34'48"W. 98.62 feet to the POINT OF BEGINNING.**

**Containing 4.69 acres.**

**Subject to a 30 foot wide Sanitary Sewer Easement across the northern part of the above described tract, said 30 foot wide easement lies 10 feet left of, 20 feet right of, parallel to and adjacent to the following described line:**

**From the southwest corner of said Section 25; thence N01 degrees 20'24"E. along the Section Line, 1015.34 feet to POINT OF BEGINNING; thence N80 degrees 54'51"E. 11.08 feet to a point on the westerly line County Road No. 163 and the POINT OF TERMINATION.";**

**"Tract No. 2**

**Part of the Southwest Quarter of Section 25, Township 50 North, Range 26 West, Lafayette County, Missouri, more particularly described as follows:**

**From the southwest corner of said Section 25; thence N01 degree 20'24"E. along the Section Line, 41.79 feet to a point on the Northerly line of Missouri State Route 13; thence along the northerly line of Missouri State Route 13 the following courses: S87 degrees 34'48"E. 98.62 feet; thence S02 degrees 25'12"W. 5.00 feet; thence S87 degrees 34'48"E 226.43 feet to the easterly line of County Road No. 163, and the POINT OF BEGINNING for this description; thence leaving the northerly line of Missouri State Route 13, along the easterly and southerly line of said County Road, the following courses: N03 degrees 56'26"E. 332.68 feet; thence northerly, on a curve to the left, having a radius of 571.17 feet, an arc distance of 308.88 feet (the chord of said curve being N11 degrees 33'06"W. 305.13 feet); thence N27 degrees 02'37"W. 303.42 feet; thence northerly, on a curve to the right, having a radius of 563.15 feet, an arc distance of 278.98 feet (the chord of said curve being N12 degrees 51'07"W. 276.13 feet); thence N01 degree 20'24"E 1307.68 feet; thence northerly, on a curve to the right, having a radius of 98.62 feet, an arc distance of 155.96 feet (the chord of said curve being N46 degrees 38'47"E. 140.21 feet); thence S88 degrees 02'51"E. 815.84 feet; thence leaving the southerly line of said County Road, S12 degrees 15'33"E. 1323.35 feet to the most westerly corner of the second described tract in Book 642, Page 485, Lafayette County Recorder's Office; thence S36 degrees 45'52"E. along the westerly line of said tract, 519.22 feet to a point 100 feet northerly of and perpendicular to the northerly line of a tract described by deed of record in Book 513, Page 156, Lafayette County Recorder's Office; thence S29 degrees 50'08"W. parallel to the northerly line of said tract, 998.31 feet to a point on the northerly line of Missouri State Route 13; thence along the northerly line of Missouri State Route 13, the following courses: N87 degrees 34'48"W. 52.33 feet; thence S02 degrees 25'12"W. 5.00 feet; thence N87 degrees 34'48"W. 753.55 feet to the POINT OF BEGINNING.**

**Containing 66.09 acres.**

**SUBJECT to a 30 foot wide Sanitary Sewer Easement across the northern part of the above described tract, said 30 foot wide easement lies 10 feet left of, 20 feet right of, parallel to and adjacent to the following described line: From the southwest corner of said Section 25; thence N01 degree 20'24"E. along the Section Line, 1015.34 feet; thence N80 degrees 54'51"E. 85.89 feet to the easterly line of County Road No. 163 and the POINT OF BEGINNING, thence continuing N80 degrees 54'51"E. 45.97 feet; thence N46 degrees 54'17"E. 326.68 feet; thence S75 degrees 29'22"E. 363.48 feet; thence S47 degrees 15'39"E. 483.78 feet; thence N28 degrees 18'47"E. 404.80 feet; thence N50 degrees 02'50"E. 68.07 feet to a point on the westerly line of a tract described by deed of record in Book 642, Page 485, Lafayette County Recorder's Office and the POINT OF TERMINATION. Subject to easements recorded in Book 414 at Page 249 and Book 472 at page 278 of the Layette County Recorder's Office.**

**Grantors retain the right to a convenient, reasonable access across the above described land in order to maintain, operate, repair and service the above described sanitary sewer easement.";**

**excepting therefrom approximately 3 acres lying between the creek bed and the property of the Daughters of the Confederacy.**

**2. The final legal description for the conveyance shall be determined by survey and the total of acreage conveyed may be less than the acreage described herein, subject to agreement between the parties.**

**3. The property described in this section shall not be conveyed until there is a written agreement of conveyance which provides that the property shall revert to the department of natural resources if it is not used as a veterans cemetery within a reasonable time, as agreed to by the parties.**

**4. The Missouri veteran's commission shall assume responsibility to properly close and fill the lagoon existing on the property unless soil testing indicates the presence of contamination which would require special handling of the sludge material. If environmental laws or regulations require the special handling of sludge materials, the department of natural resources shall share the cost of the clean-up equally with the veteran's commission.**

**5. The attorney general shall approve as to the form of the instrument of conveyance.**".

In which the concurrence of the House is respectfully requested.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SS SCS HB 491**: Representatives Gaw, Farmer, Scheve, Cooper and Chrismer

**THIRD READING OF HOUSE BILL - FEDERAL MANDATE**

**HB 883**, relating to registration of offenders, was taken up by Representative Clayton.

On motion of Representative Clayton, **HB 883** was read the third time and passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Relford Reynolds Richardson Ridgeway Rizzo
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Days Foley Goward Gratz Hand
Kauffman Reinhart Robirds Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILL**

**HS HB 850**, relating to administrative rulemaking, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **HS HB 850** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Green
Griesheimer Gross Gunn Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Purgason Ransdall Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Bartelsmeyer Goward Gratz Hagan-Harrell Hand
Kauffman Pryor Reinhart Schilling Thompson 37
Williams 121

The emergency clause was adopted by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 106 Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kelley 47 Kelly 27
Kennedy Koller Kreider Lakin Lawson
Leake Levin Liese Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 003

Evans Hohulin Steen

PRESENT: 000

ABSENT WITH LEAVE: 009

Goward Graham 24 Gratz Hand Kauffman

Kissell Legan Linton Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

**BILLS CARRYING REQUEST MESSAGES**

**HS HCS SB 218**, relating to regional jail districts, was taken up by Representative Crump.

Representative Crump moved that the House refuse to recede from its position on **HS HCS SB 218** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 132, as amended,** relating to elections, was taken up by Representative Days.

Representative Days moved that the House refuse to recede from its position on **HCS SB 132, as amended,** and grant the Senate a conference.

Which motion was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SB 218**: Representatives Crump, Hosmer, Kissell, Richardson and Legan

**HCS SB 132**: Representatives Days, Scheve, Fitzwater, Long and Enz

**SIGNING OF SENATE BILL**

All other business of the House was suspended while **HCS SB 170** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

**THIRD READING OF HOUSE BILL - APPROPRIATIONS**

**HCS HB 18**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **HCS HB 18** was read the third time and passed by the following vote:

AYES: 135

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Broach Burton Campbell
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farnen Foley Ford Foster Franklin
Fritts Gaskill Gibbons Goward Graham 24
Graham 106 Green Griesheimer Gross Gunn
Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hegeman
Hickey Holand Hollingsworth Hoppe Hosmer
Howerton Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Thomason 163 Treadway Vogel Wannenmacher
Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 016

Bland Boucher Bray 84 Carter Farmer
Froelker Hall Hartzler 124 Hendrickson Hohulin
Linton Lograsso Ridgeway Townley Troupe
Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Days Fitzwater Gaston Gratz

Hand Johnson Kauffman O'Toole Tate

Thompson 37 Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**RECONSIDERATION**

Representative Monaco, having voted on the prevailing side, moved that the vote by which **SB 334, as amended,** was defeated on third reading, be reconsidered.

Which motion was adopted by the following vote:

AYES: 094

Auer Backer Barry 100 Bauer Bland

Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Farmer Farnen Fitzwater Foley Ford

Franklin Fritts Goward Graham 24 Green

Griesheimer Gunn Hagan-Harrell Harlan Hartzler 123

Heckemeyer Hickey Hollingsworth Hoppe Hosmer

Johnson Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Liese

Long Lumpe May 108 Mays 50 McBride

McClelland McLuckie Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Sallee Scheve Schilling Seigfreid Shear

Sheldon 104 Shelton 57 Skaggs Smith Stokan

Stoll Stroker Summers Tate Thomason 163

Thompson 37 Treadway Troupe Van Zandt Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 064

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Champion Chrismer Cierpiot Cooper

Crawford Donovan Edwards-Pavia Elliott Enz

Evans Foster Froelker Gaskill Gibbons

Graham 106 Gross Hall Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kelley 47 Legan Levin Linton Lograsso

Loudon Marble Merideth Miller Murphy

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Robirds Ross Schwab

Scott Secrest Shields Steen Surface

Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 005

Gaston Gratz Hand Kauffman Luetkenhaus

**SB 334, as amended**, relating to fee agents, was again taken up by Representative Shelton (57).

Representative Shelton (57) offered House Amendment No. 4.

*House Amendment No. 4*

AMEND Senate Bill No. 334, Page 2, Section 136.055, Lines 23 through 29, by deleting all of said lines and inserting in lieu thereof the following:

"2. This section shall not apply to agents appointed by the state director of revenue in any city, other than a city not within a county, where the department of revenue maintains an office. All fees charged shall not exceed those in this section.".

Representative Pouche offered House Substitute Amendment No. 1 for House Amendment No. 4.

Representative Shelton (57) raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 4 is not a true substitute amendment.

The Chair ruled the point of order well taken.

**SB 334, as amended, with House Amendment No. 4, pending,** was laid over.

**THIRD READING OF SENATE BILLS**

**HCS SB 347, with House Amendment No. 2**, **pending,** relating to HIV and Prostitution, was again taken up by Representative Hosmer.

House Amendment No. 2 was withdrawn.

Representative Broach offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 347, Page 1, In the Title, Line 3, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting "567.110 and 567.120" and inserting in lieu thereof the following: "567.110, 567.120 and 1"; and

Further amend said bill, Page 3, Section 567.120, Line 3, by inserting after all of said line the following:

"**Section 1. 1. On a first offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, may be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling, at the discretion of the board of probation and parole.**

**2. On a second offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, when the victim of the second offense was thirteen years of age or less, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.**

**3. On a third offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.**

**4. Pursuant to this section, the offender shall begin medroxyprogesterone acetate treatment one week prior to release from confinement and shall continue treatments and counseling until the board of probation and parole determines that the treatment is no longer necessary or until the offender reaches the end of the offender's sentence.**

**5. No offender shall be granted early parole due to an agreement to undergo such treatment.**

**6. The board of probation and parole may decline to apply the provisions of this section to any offender who, on the date of the offense, was less than eighteen years of age, if the victim consented to the act.**

**7. The department of corrections shall promulgate such rules as are necessary to implement the provisions of this section.**

**8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.**".

Representative Lograsso offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No.1*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 347, Page 3, Section 1, Line 13, by adding immediately after said line, the following:

Section 2. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 1 to House Amendment No. 2 was adopted.

Representative Monaco offered House Amendment No. 2 to House Amendment No. 2.

*House Amendment No. 2*

*to*

*House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 347, Page 2, Line 9, by deleting the word "shall" and inserting the word "**may**"

Further amend said amendment Page 2, Line 14, by deleting the word "shall" and insert in lieu thereof "**may**"

Representative Monaco moved that House Amendment No. 2 to House Amendment No. 2 be adopted.

Which motion was defeated.

On motion of Representative Broach, House Amendment No. 2, as amended, was adopted by the following vote:

AYES: 136

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniels 41

Davis 63 Davis 122 DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Green Griesheimer

Gross Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Kreider

Lakin Lawson Leake Legan Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Secrest Seigfreid

Sheldon 104 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wooten

Mr. Speaker

NOES: 019

Bland Bray 84 Carter Daniel 42 Days

Farmer Gunn Harlan Hollingsworth Koller

McLuckie Reynolds Scheve Schilling Shear

Shelton 57 Troupe Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 008

Bauer Goward Gratz Hand Hohulin

Kauffman Levin Thompson 37

Representative Schilling offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 347, Page 3, Section 567.020.3, Line 4, by inserting after the word "judge" the words ", upon a finding that chemical dependency exists,"

Amend title and enacting clause accordingly.

On motion of Representative Schilling, House Amendment No. 3 was adopted.

On motion of Representative Hosmer, **HCS SB 347, as amended,** was adopted.

On motion of Representative Hosmer, **HCS SB 347, as amended,** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Broach

Burton Carter Champion Chrismer Cierpiot

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 004

Bray 84 Campbell Clayton Van Zandt

PRESENT: 001

Bland

ABSENT WITH LEAVE: 009

Dougherty Farmer Goward Gratz Hand

Harlan Kauffman Stoll Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Shear moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**SB 334, as amended, with House Amendment No. 4, pending**, relating to fee agents, was again taken up by Representative Shelton (57).

On motion of Representative Shelton (57), House Amendment No. 4 was adopted.

Representative Pouche offered House Amendment No. 5.

*House Amendment No. 5*

AMEND Senate Bill No. 334, Page 2, Section 136.055, Line 4, by deleting the words "**two dollars twenty-five cents**" and inserting therein "**one dollar seventy-five cents**"

Further amend said paragraph line 5, by deleting the words "**three dollars**" and inserting therein "**two dollars**"

Further amend Senate Bill No. 334, Page 2, Section 136.055, Line 7, by deleting the words "**two dollars twenty-five cents**" and inserting therein "**one dollar seventy-five cents**" and deleting the words "**three**" and inserting therein "**two**"

Representative Pouche moved that House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 049

Akin Alter Ballard Barnett 4 Bennett 15

Boatright Broach Burton Cooper Crawford

Dolan Donovan Elliott Enz Foster

Froelker Gaskill Gibbons Graham 106 Hall

Hendrickson Holand Howerton Kasten Kelley 47

Legan Linton Lograsso Loudon McClelland

Miller Murphy Naeger Nordwald Pouche

Richardson Ridgeway Robirds Ross Sallee

Schwab Scott Shields Steen Summers

Surface Townley Vogel Wooten

NOES: 106

Auer Backer Barry 100 Bartelsmeyer Bauer

Berkstresser Bland Bonner Boucher Bray 84

Campbell Carter Champion Chrismer Cierpiot

Clayton Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dougherty Edwards-Pavia

Evans Farmer Farnen Fitzwater Foley

Ford Franklin Fritts Gaston Graham 24

Green Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Hohulin Hollingsworth Hoppe Hosmer

Johnson Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Levin

Liese Long Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McLuckie Merideth

Monaco Murray O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pryor Purgason

Ransdall Reinhart Relford Reynolds Rizzo

Scheve Schilling Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Skaggs Smith Stokan

Stoll Stroker Thomason 163 Treadway Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Copeland Goward Gratz Hand Kauffman

Tate Thompson 37 Troupe

Representative Froelker offered House Amendment No. 6.

*House Amendment No. 6*

AMEND Senate Bill No. 334, Page 2, Section 136.055, Line 12, by deleting "2000" on said line and inserting in lieu thereof "2004" and further amend said bill, Section 136.055, Page 12, Line 16, by deleting "2000" and inserting in

lieu thereof "2004"

Representative Froelker moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 066

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Donovan Edwards-Pavia Elliott Enz
Ford Foster Froelker Gaston Gibbons
Graham 106 Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Holand Kasten
Kelley 47 Legan Linton Lograsso Loudon
Marble McClelland Miller Murphy Naeger
Nordwald Ostmann Patek Pouche Purgason
Richardson Ridgeway Robirds Ross Sallee
Schwab Scott Secrest Shields Steen
Summers Surface Townley Vogel Wannenmacher
Wooten

NOES: 082

Auer Backer Barry 100 Bauer Bonner
Boucher Bray 84 Campbell Carter Clayton
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Evans Farnen Fitzwater
Foley Franklin Fritts Graham 24 Green
Griesheimer Gunn Hagan-Harrell Harlan Heckemeyer
Hickey Hollingsworth Hoppe Hosmer Johnson
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Levin Liese
Long Luetkenhaus Lumpe May 108 Mays 50
McBride McLuckie Merideth Monaco Murray
O'Connor O'Toole Overschmidt Parker Pryor
Relford Reynolds Rizzo Scheve Schilling
Seigfreid Shear Sheldon 104 Shelton 57 Skaggs
Smith Stroker Tate Thomason 163 Treadway
Troupe Van Zandt Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 015

Bland Copeland Dougherty Farmer Gaskill

Goward Gratz Hand Howerton Kauffman

Ransdall Reinhart Stokan Stoll Thompson 37

On motion of Representative Shelton (57), **SB 334, as amended,** was read the third time and passed by the following vote:

AYES: 092

Auer Backer Barnett 4 Barry 100 Bartelsmeyer

Bauer Bland Boucher Bray 84 Campbell

Carter Clayton Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Dougherty Farmer Farnen Fitzwater

Foley Ford Franklin Fritts Gaskill

Goward Graham 24 Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kelly 27 Kennedy

Koller Kreider Lakin Lawson Leake

Legan Liese Long Luetkenhaus Lumpe

Mays 50 McBride McClelland McLuckie Miller

Monaco Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Relford Reynolds

Rizzo Robirds Scheve Schilling Seigfreid

Shear Sheldon 104 Shelton 57 Skaggs Smith

Stroker Summers Tate Thomason 163 Treadway

Troupe Van Zandt Wiggins Williams 121 Wilson

Wooten Mr. Speaker

NOES: 062

Akin Alter Ballard Bennett 15 Berkstresser

Boatright Bonner Broach Burton Champion

Chrismer Cierpiot Crawford Donovan Edwards-Pavia

Elliott Enz Evans Foster Froelker

Gaston Gibbons Graham 106 Green Gross

Hall Hartzler 124 Hegeman Hendrickson Hohulin

Holand Howerton Kasten Kelley 47 Kissell

Levin Linton Lograsso Loudon Marble

Merideth Murphy Nordwald Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Ross Sallee Schwab Scott Secrest

Shields Steen Surface Townley Vogel

Wannenmacher Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper Gratz Hand Kauffman May 108

Ransdall Stokan Stoll Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Bauer, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SS SCS SB 165** - Budget (Fiscal Note)

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 315 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 264 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **SB 176 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 232 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HBs 508 & 145 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS HB 50 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 664 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 749**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 710**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 820**, entitled:

An act relating to crime of aggravated harassment of an employee, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 470**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 159**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 711**, entitled:

An act to repeal section 81.070, RSMo 1994, relating to election and appointment of certain municipal officials, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 756**, entitled:

An act relating to security guards.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

Amend HB 756, Page 1, Section 1, Line 3, by striking all of said line and inserting in lieu thereof the following:

"**in any municipality within a charter county with a population not exceeding three hundred thousand adjoining another first class charter county, or by reciprocal agreement between the municipalities in any other county.**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 802**, entitled:

An act to authorize the governor to convey certain real property, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 816**, entitled:

An act to repeal section 190.309, RSMo Supp. 1996, relating to certain emergency telephone boards, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 394**, entitled:

An act to repeal sections 144.025, 144.070 and 301.131, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 88**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 813**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 817**.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Matt Lombardi, Jennifer Gray, Jennifer Greenwald, Jessica Lucas, Denise Segers, Thomas Brown, Gloria Gloodloe, Doug Thompson, Christina Chapman, Irene Mitchell, Keyana Barbee, Jerry Rice, Donny Anderson, Monika Osby and Anthony Hogan.

**RESOLUTIONS**

Representative Levin offered House Resolution Nos. 1073 through 1087, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution Nos. 1088 and 1089, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution Nos. 1090 through 1105, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Stroker and Reynolds offered House Resolution No. 1106, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution Nos. 1107 and 1108, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hagan-Harrell offered House Resolution Nos. 1109 and 1110, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kreider offered House Resolution No. 1111, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Auer offered House Resolution No. 1112, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative DeMarce offered House Resolution No. 1113, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 1114, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, Bills Perfected and Printed, to which was referred **HCS SB 320**, begs leave to report it has examined the same and recommends that it **be returned to the committee of origin.**

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 002

Patek Purgason

NOES: 001

Clayton

PRESENT: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Liese

Linton Long Loudon Luetkenhaus Lumpe

Marble May 108 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Nordwald O'Connor O'Toole Ostmann Parker

Pouche Pryor Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Schilling Schwab Secrest

Seigfreid Shear Sheldon 104 Shields Skaggs

Smith Steen Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

ABSENT WITH LEAVE: 014

Bland Gratz Hand Howerton Kauffman

Levin Lograsso Mays 50 Naeger Overschmidt

Scheve Scott Shelton 57 Stokan

Representative Smith assumed the Chair.

**BILL CARRYING REQUEST MESSAGE**

**SCS HCS HB 6**, relating to appropriations, was again taken up by Representative Tate.

Representative Tate moved that **CCR SCS HCS HB 6** be adopted.

Which motion was defeated by the following vote:

AYES: 060

Backer Bland Boucher Bray 84 Burton

Campbell Carter Cierpiot Clayton Cooper

Copeland Davis 63 Days DeMarce Dougherty

Edwards-Pavia Farmer Farnen Fitzwater Franklin

Fritts Gaskill Goward Graham 106 Hagan-Harrell

Harlan Johnson Kelly 27 Lakin Lawson

Legan Long Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Naeger

Ransdall Relford Ridgeway Robirds Schilling

Seigfreid Shear Skaggs Smith Stokan

Stroker Surface Tate Thomason 163 Van Zandt

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 100

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Broach Champion Chrismer

Crawford Crump Daniel 42 Daniels 41 Davis 122

Dolan Donovan Elliott Enz Evans

Foley Ford Foster Froelker Gaston

Gibbons Graham 24 Gratz Green Griesheimer

Gross Gunn Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Kasten Kelley 47 Kennedy Kissell Koller

Kreider Leake Levin Liese Linton

Lograsso Loudon Luetkenhaus Marble Miller

Monaco Murphy Murray Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Reinhart Reynolds

Richardson Rizzo Ross Sallee Scheve

Schwab Scott Secrest Sheldon 104 Shelton 57

Shields Steen Stoll Summers Townley

Treadway Troupe Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 003

Hand Kauffman Thompson 37

Representative Tate moved that the House refuse to adopt **CCR SCS HCS HB 6** and requests the Senate to grant the House further conference and that the conferees be allowed to exceed the differences to remove the increase and remove all of the core money in Section 6.322.

Which motion was adopted.

**BILL CARRYING REQUEST MESSAGE**

**HCS SB 241, as amended,** relating to funds for county roads and bridges, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuses to recede from its position on **HCS SB 241, as amended,** and grant the Senate a conference.

Which motion was adopted.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HCS HBs 600 and 388, with Senate Committee Amendment Nos. 1 and 2, and Senate Amendment No. 1**, relating to insurance coverage for PKU products, was taken up by Representative Carter.

On motion of Representative Carter, the House concurred in Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Scheve Schilling

Schwab Scott Seigfreid Shear Sheldon 104

Shelton 57 Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 005

Gaston Patek Sallee Secrest Shields

PRESENT: 000

ABSENT WITH LEAVE: 005

Farmer Ford Hand Kauffman Thompson 37

Representative Carter moved that the House refuse to concur in Senate Amendment No. 1 to **HCS HBs 600 and 388, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SS SCS HB 343**, relating to information for prospective adoptive parents, was taken up by Representative Kelly (27).

On motion of Representative Kelly (27), **SS SCS HB 343** was adopted by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Bartelsmeyer Crump Farmer Gunn Hand

Kauffman Lawson Thompson 37 Wooten

On motion of Representative Kelly (27), **SS SCS HB 343** was truly agreed to and finally passed by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Farmer Gunn Hand Kauffman Levin
Thompson 37

Representative Smith declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Days moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider assumed the Chair.

**SCS HB 257, as amended,** relating to savings banks, was taken up by Representative Copeland.

On motion of Representative Copeland, **SCS HB 257, as amended,** was adopted by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Gibbons Hand Kauffman Purgason Schilling

Stoll Thompson 37

On motion of Representative Copeland, **SCS HB 257, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Crump Gunn Hand Kauffman Kelly 27
Schilling Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 140

Alter Auer Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Pryor Ransdall Relford Reynolds
Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 019

Akin Bartelsmeyer Berkstresser Boatright Chrismer

Cierpiot Edwards-Pavia Gaston Hall Hendrickson

Hohulin Lograsso Murphy Patek Purgason

Reinhart Richardson Ridgeway Steen

PRESENT: 000

ABSENT WITH LEAVE: 004

Farmer Hand Kauffman Thompson 37

On motion of Representative Barry, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

**HB 628, with Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2**, relating to changing boundary lines between school districts, was taken up by Representative Froelker.

On motion of Representative Froelker, the House concurred in Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Gunn Hand Kauffman Kissell Lograsso

Thompson 37

On motion of Representative Froelker, **HB 628, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 006

Gunn Hand Harlan Kauffman Kissell
Thompson 37

The emergency clause was adopted by the following vote:

AYES: 145

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Foster Franklin
Fritts Froelker Gaskill Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Stokan Stoll Stroker
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Gaston Hendrickson Hohulin Lograsso Merideth
Richardson Ridgeway

PRESENT: 000

ABSENT WITH LEAVE: 011

Akin Daniel 42 Ford Gunn Hand
Harlan Kauffman Kelly 27 Steen Summers

Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 424 and 534, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2, and Senate Amendment No. 1**, relating to wildlife code violations, was taken up by Representative Crump.

On motion of Representative Crump, the House concurred in Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Cierpiot Clayton Cooper Copeland Crump

Daniels 41 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Boatright Chrismer Crawford Gross Ostmann

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniel 42 Davis 63 Gunn Hand Harlan

Kauffman Kelly 27 Robirds Thompson 37

Representative Crump moved that the House refuse to concur in **Senate Amendment No. 1 and the Emergency Clause on HCS HBs 424 and 534, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SCS HB 700**, relating to paddlefish and catfish, was taken up by Representative Legan.

On motion of Representative Legan, **SCS HB 700,** was adopted by the following vote:

AYES: 142

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Crawford Crump

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Thomason 163 Townley Treadway Troupe

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 012

Auer Daniel 42 Ford Hagan-Harrell Hohulin

Holand O'Connor Ridgeway Shelton 57 Tate

Van Zandt Wooten

PRESENT: 000

ABSENT WITH LEAVE: 009

Bland Copeland Gunn Hand Harlan

Kauffman Kelly 27 Nordwald Thompson 37

On motion of Representative Legan, **SCS HB 700** was truly agreed to and finally passed by the following vote:

AYES: 144

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Daniel 42 Daniels 41 Davis 63 Davis 122 DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Hall Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McBride McClelland McLuckie Merideth Miller
Monaco Murphy Murray Naeger O'Toole
Ostmann Overschmidt Parker Patek Pouche
Ransdall Reinhart Relford Reynolds Richardson
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Thomason 163 Townley Treadway
Troupe Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Auer Hagan-Harrell Hohulin Holand Pryor
Ridgeway Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 012

Bland Crump Days Gunn Hand
Harlan Kauffman Nordwald O'Connor Purgason
Tate Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Stokan, title to the bill was agreed to.

Representative Stoll moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**SCS HJR 16**, relating to filing dates for initiative petitions, was taken up by Representative Farnen.

On motion of Representative Farnen, **SCS HJR 16** was adopted by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Pryor Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Summers Surface
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 014

Bland Boucher Daniels 41 Davis 122 Days
Gunn Hand Harlan Kauffman Purgason
Reynolds Stroker Tate Thompson 37

On motion of Representative Farnen, **SCS HJR 16** was truly agreed to and finally passed by the following vote:

AYES: 141

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Clayton Cooper Copeland Crawford Crump
Daniel 42 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lawson Leake Legan Levin Liese
Linton Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Thomason 163 Townley Treadway Troupe Van Zandt
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 009

Akin Chrismer Froelker Hall Hohulin

Lograsso Loudon Murphy Pryor

PRESENT: 000

ABSENT WITH LEAVE: 013

Cierpiot Daniels 41 Gunn Hand Harlan

Kauffman Lakin Purgason Sheldon 104 Tate

Thompson 37 Vogel Wannenmacher

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Shear, title to the bill was agreed to.

Representative Treadway moved that the vote by which the bill passed be reconsidered.

Representative Overscmidt moved that motion lay on the table.

The latter motion prevailed.

**SENATE CONCURRENT RESOLUTIONS**

**HCS SCS SCR 7**, relating to telecommunications, was taken up by Representative Burton.

On motion of Representative Burton, **HCS SCS SCR 7** was adopted.

**SCR 17**, relating to veteran's homes, was taken up by Representative Relford.

On motion of Representative Relford, **SCR 17** was adopted.

**SCR 23**, relating to braille education, was taken up by Representative Fritts.

On motion of Representative Fritts, **SCR 23** was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**HCS SB 241**: Representatives Hosmer, Schilling, Ford, Dolan and Wooten

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 132 as amended**: Senators Staples, McKenna, Lybyer, Graves and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SB 218**: Senators Howard, McKenna, Lybyer, Rohrbach and Flotron.

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SS SB 208** - Budget (Fiscal Note)

**COMMITTEE REPORTS**

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SCS SJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SS SCS SBs 386 & 372**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SS SCS SBs 225 & 3**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SCS SB 319**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 319, Page 2, Section 191.331, Line 47, by deleting from said line the word "may" and inserting in lieu thereof the word "shall".

**Committee on Public Health and Safety**, Chairman Bland reporting:

Mr. Speaker: Your Committee on Public Health and Safety, to which was referred **HR 995**, begs leave to report it has examined the same and recommends that it **Do Pass.**

House Resolution No. 995

**Whereas**, it is estimated that nearly four million Americans are chronically infected with hepatitis C; and

**Whereas**, the National Institute of Health has determined chronic viral hepatitis C to be a major public health issue, and it has conducted a consensus conference addressing the detection and treatment of the hepatitis C virus; and

**Whereas**, the St. Louis Chapter for the American Liver Foundation supports an effort to more fully inform the public about hepatitis C; and

**Whereas**, an estimated thirty thousand new cases of hepatitis C occur each year in the United States; and

**Whereas**, the hepatitis C virus is the cause of eight thousand to ten thousand preventable deaths per year in the United States; and

**Whereas**, consequences of the hepatitis C virus cost about seven million three hundred thousand dollars ($7,300,000) per one hundred thousand patients because individuals infected with the virus remain largely asymptomatic until the virus causes irreversible liver damage; and

**Whereas**, eighty-five percent of all Americans infected with the hepatitis C virus become chronically infected and develop cirrhosis and liver cancer; and

**Whereas**, the Missouri Liver Foundation estimates that in the 1980s blood transfusions caused transmission of the human immunodeficiency virus and hepatitis C viruses with an estimated three hundred thousand people infected with the hepatitis C virus alone because of the lack of an adequate screening test for the blood supply prior to 1990; and

**Whereas**, risk factors for the hepatitis C virus include popular practices such as body piercing and tattooing, and other means of blood transmission, including health care workers who are exposed to needle sticks, and intravenous drug users, but in more than forty percent of infected patients, it is unknown how the virus occurred; and

**Whereas**, there is a food and drug administration-approved treatment for the hepatitis C virus; and

**Whereas**, in the absence of a vaccine, emphasis must be placed on other means of disease prevention; and

**Whereas**, educating Americans about hepatitis C can help prevent its spread; and

**Whereas**, hepatitis C is largely unreported, under diagnosed, and the public is uninformed about the virus:

**Now, therefore, be it resolved** by the Missouri House of Representatives, Eighty-ninth General Assembly, the State of Missouri that the month of June be designated as Hepatitis C Awareness Month and that the Department of Health be urged to increase public awareness and education about the hepatitis C virus during hepatitis C awareness month; and

**Be it further resolved** that a copy of this resolution be transmitted to the Speaker of the House of Representatives.

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 56**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 56;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 56, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Brian May /s/ David Klarich

/s/ Craig Hosmer /s/ John D. Schneider

/s/ Jim Seigfreid /s/ Harold Caskey

/s/ Bill Alter /s/ Jerry Howard

/s/ Phil Wannenmacher /s/ Larry Rohrbach

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Wednesday, May 7, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-fifth Day, Monday, May 5, 1997, pages 1530 and 1531, roll call, by showing Representative Davis (63) voting "aye" rather than "absent with leave".

Page 1532, roll call, by showing Representatives Bennett (15) and Williams (121) voting "aye" rather than "absent with leave".

Pages 1532 and 1533, roll call, by showing Representatives Bennett (15) and Williams (121) voting "aye" rather than "absent with leave".

Page 1534, roll call, by showing Representative Reynolds voting "no" rather than "absent with leave".

Page 1535, roll call, by showing Representative Monaco voting "no" rather than "aye".

Page 1535, roll call, by showing Representative Reynolds voting "aye" rather than "absent with leave".

Page 1536, roll call, by showing Representative Hickey voting "no" rather than "absent with leave".

Page 1537, roll call, by showing Representative Bennett (15) voting "aye" rather than "absent with leave".

Page 1538, roll call, by showing Representative Kissell voting "no" rather than "absent with leave".

Page 1540, roll call, by showing Representatives Chrismer and O'Connor voting "aye" rather than "absent with leave".

Pages 1541 and 1542, roll call, by showing Representatives Long, Hosmer, Froelker, Levin and Kreider voting "aye" rather than "absent with leave".

Pages 1543 and 1544, roll call, by showing Representatives Long, O'Connor, Kennedy, Hollingsworth, Hickey and Williams (121) voting "aye" rather than "absent with leave".

Pages 1544 and 1545, roll call, by showing Representatives Long and Hollingsworth voting "no" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Wednesday, May 7, 1997, 8:30 am. Hearing Room 9. Executive session.

To be considered - SB 51, SB 165, SB 49, SB 208

COMMERCE

Wednesday, May 7, 1997. Hearing Room 8 upon morning adjournment.

Executive session may follow.

To be considered - SB 258

ENVIRONMENT AND ENERGY

Wednesday, May 7, 1997. Hearing Room 9 upon morning adjournment.

To be considered - SCR 24, Executive Session - SB 72

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 7, 1997, 9:00 am. Hearing Room 7. Executive session may follow.

To be considered - SB 274

MISCELLANEOUS BILLS AND RESOLUTIONS

Thursday, May 8, 1997, 9:00 am. Side gallery. Executive session.

To be considered - SB 274

MUNICIPAL CORPORATIONS

Wednesday, May 7, 1997. Hearing Room 7 upon morning adjournment.

Executive session.

To be considered - SB 466

PROFESSIONAL REGISTRATION & LICENSING

Wednesday, May 7, 1997. Side gallery immediately following afternoon session. Executive session.

To be considered - SB 320

TRANSPORTATION

Wednesday, May 7, 1997, 1:00 pm. Hearing Room 5. Executive session may follow.

To be considered - SB 108

**HOUSE CALENDAR**

SIXTY-SEVENTH DAY, WEDNESDAY, MAY 7, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending - Shear

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HS HCS HB 349, as amended, HS, adopted, pending - Koller

10 HCS HB 723, 789 & 372, as amended - Dougherty

**HOUSE BILLS FOR THIRD READING**

HCS HB 664 - Ross

HCS HB 50 - Gratz

HB 232 - Dougherty

HCS HB 508 & 145 - Stokan

HB 135, (Budget Fiscal 4-30-97) - Dougherty

HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

HS HCS HB 282 - Kissell

**SENATE BILLS FOR THIRD READING**

1 SB 315, HCAs 1 & 2 - Koller

2 SB 264 - Thomason (163)

3 SB 176 - Leake

4 HCS SCS SB 141, (Budget Fiscal 5-1-97) - Treadway

5 SS SB 97 - Green

6 SB 299, E.C. (Budget Fiscal 4-30-97) - McBride/Thomason

7 HCS SS SB 121 - Williams (121)

8 HCS SCS SB 89 - Legan

9 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn

10 HCS SS SB 11 - Leake

11 SB 449, HCA 1 - Harlan

12 HCS SS SCS SB 165, (Budget Fiscal 5-6-97) - Rizzo

13 SB 67, HCA 1 - Steen

14 HCS SS SB 248, E.C. - May (108)

15 HCS SB 21, E.C. - Hoppe

16 HCS SS SB 361, E.C. - Dougherty

17 SB 128 - Liese

18 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty

19 SCS SB 49, 213, 130, 32, 235 & 221, HCAs 1, 2, 3, 4, (Budget Fiscal 5-5-97) - Crump

20 SB 358, HCAs 1, 2, 3 - Gratz

21 HCS SS SB 208, (Budget Fiscal 5-6-97) - Scheve

22 HCS SCS SB 79 - Thomason (163)

**HOUSE BILLS WITH SENATE AMENDMENTS**

HB 823, SCA 1, E.C. - Lumpe

HB 340, SCA 1 - Pouche

HB 523, SCA 1 - Skaggs

SCS HB 820 - Sheldon (104)

HB 756, SCA 1 - Luetkenhaus

**BILLS CARRYING REQUEST MESSAGES**

SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

SCS HCS HB 6, (Req.Sen.rec/grant House further conf conferees be allowed to exceed diff to remove increase & all core money 6.322) - Tate

HCS HB 600 & 388, a.a (Req. Sen recede on SA 1 /grant House conference) - Carter

HCS HB 424 & 534, a.a. (Req. Sen rec on SA 1 & E.C./grant House conference) - Crump

**BILLS IN CONFERENCE**

1 CCR SCS HCS HB 7, as amended - Tate

2 CCR SCS HCS HB 8, as amended - Franklin

3 CCR SCS HCS HB 9, as amended - Lakin

4 CCR SCS HCS HB 10 - Carter

5 CCR SCS HCS HB 11 - Lakin

6 CCR SCS HCS HB 12, as amended - Green/Franklin

7 HCS#2 SB 161 - Kelly (27)

8 HCS SCS SB 316 - Hoppe

9 HCS SB 387, E.C. - Smith

10 SCS HB 655, as amended, E.C. - May (108)

11 HS HCS SCS SB 16, as amended - Backer

12 CCR HCS SCS SB 56, as amended - May (108)

13 SS SCS HB 491, as amended - Gaw

14 HS HCS SB 218 - Crump

15 HCS SB 132, as amended - Days

16 HCS SB 241, as amended - Hosmer

**HOUSE CONCURRENT RESOLUTION**

HCR 31, (4-30-97, Pgs. 1458 & 1459) - Schilling

**SENATE CONCURRENT RESOLUTION**

SCR 21, (4-10-97, pgs. 1033 & 1034) -

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-SEVENTH DAY, Wednesday, May 7, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Robert Herman, Jefferson City Temple Beth'el.

The world is sustained by three things: by justice, by truth, and by peace.

Justice shall you pursue for the Lord is righteous; he loves righteous deeds.

Hate evil and love good, and establish justice in this state.

Thus says the Lord; let not the wise glory in their wisdom, let not the mighty glory in their might, let not the rich glory in their riches, but let them who glory, glory this; that they understand and know me, that I am the Lord who practices kindness, justice, and righteousness in the earth, for in these things I delight.

Psalm 15

Lord who may abide in your house? Who may dwell in your Holy Mountain?

Those who are upright; who do justly; who speak truth within their hearts.

Who do not slander others, or wrong them, or bring shame upon them.

Who scorn the lawless, but honor those who revere the Lord.

Who give their word, and, come what may, do not retract.

Who do not exploit others, who never take bribes.

Those who live in this way shall never be shaken.

We pray for all who hold positions of leadership and responsibility in our state. Let your blessing rest upon them, make them responsive to your will, so that our state may be to all an example of justice and compassion.

Deepen our love for our state and our desire to serve it. Strengthen our power of self-sacrifice for our states welfare. Teach us to uphold its good name by our own right conduct.

Cause us to see clearly that the well-being of our state is in the hands of all its citizens; imbue us with zeal for the cause of liberty and tolerance in our own state and in all lands; and help us always to keep our homes safe from affliction, strife, and war.

May he who causes peace to reign in the high heavens, let peace descend on us, on all the world and let us say Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Christopher Halstead, Thomas McAllister, Daniela Profeta, Michael Reinders, Darnell Brown, Kendrick Clark, Zebrina Anderson, Nina Ballmann, Leslie Mehmert, Kathy Hegerfeld, Justin Hartge, Becca Cramer, Dawn Henson, Jeremy Henson, Peregrine Stuart Gunn, Thomas Chibnall, Lori Hejlek, Rene` Cranwell and Angie Coughlan.

The Journal of the sixty-sixth day was approved as corrected.

**RESOLUTIONS**

Representative Kennedy offered House Resolution No. 1115, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Marble offered House Resolution Nos. 1116 through 1118, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Murray offered House Resolution No. 1119, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 1120, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Monaco offered House Resolution No. 1121, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution No. 1122, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SB 299 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 88, HB 99, HB 159, HB 470, HB 710, HB 749, HB 813** and **HB 817**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 823, with Senate Committee Amendment No. 1**, relating to community corrections, was taken up by

Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger O'Connor O'Toole Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Froelker Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Gaskill Hand Harlan Kauffman

Nordwald Ostmann Thompson 37 Wiggins Williams 121

On motion of Representative Lumpe, **HB 823, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 005

Crawford Edwards-Pavia Hendrickson Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 011

Daniels 41 Froelker Gaskill Goward Hand
Harlan Kauffman Kelly 27 Nordwald Richardson
Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Alter Auer Backer Ballard Barry 100
Bauer Bennett 15 Bland Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Cierpiot Clayton Cooper Copeland
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hickey Holand Hollingsworth Hoppe
Hosmer Johnson Kasten Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Miller Monaco Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pryor Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 017

Akin Barnett 4 Bartelsmeyer Berkstresser Boatright

Chrismer Crawford Edwards-Pavia Gaston Hendrickson

Hohulin Howerton Loudon Merideth Murphy

Purgason Steen

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniels 41 Gaskill Hand Harlan Kauffman

Nordwald Pouche Thompson 37

On motion of Representative Boucher, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**HB 340, with Senate Committee Amendment No. 1**, relating to sewer districts, was taken up by Representative Pouche.

On motion of Representative Pouche, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Chrismer Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Howerton Johnson Kasten Kelley 47
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Sheldon 104 Shelton 57 Shields
Skaggs Smith Stokan Stoll Stroker
Summers Surface Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Champion Cierpiot Daniel 42 Farmer Ford
Gaskill Goward Hand Harlan Hosmer
Kauffman Kelly 27 Nordwald Reinhart Shear
Steen Tate Thompson 37

On motion of Representative Pouche, **HB 340, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Edwards-Pavia Hand Harlan Kauffman Linton

Nordwald Pryor Stoll Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**HB 523, with Senate Committee Amendment No. 1**, relating to road districts, was taken up by Representative Skaggs.

On motion of Representative Skaggs, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Goward Hand Harlan Kauffman Nordwald

Sheldon 104 Wiggins

On motion of Representative Skaggs, **HB 523, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Edwards-Pavia

PRESENT: 000

ABSENT WITH LEAVE: 008

Berkstresser Hand Harlan Kauffman Linton

Lumpe Nordwald Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 820**, relating to inmate harassment, was taken up by Representative Sheldon (104).

On motion of Representative Sheldon (104), **SCS HB 820** was adopted by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Gaskill Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Daniel 42 Froelker

PRESENT: 000

ABSENT WITH LEAVE: 013

Barry 100 Berkstresser Ford Gaston Hand

Harlan Kauffman Linton Lumpe Murphy

Nordwald Sallee Williams 121

On motion of Representative Sheldon (104), **SCS HB 820** was truly agreed to and finally passed by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Froelker Gibbons Graham 24 Graham 106 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Ridgeway

Rizzo Robirds Ross Sallee Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Crump Daniel 42 Donovan Fritts Gaskill

Gaston Goward Green Hand Harlan

Kauffman Lumpe Nordwald Patek Reynolds

Richardson Scheve Thompson 37 Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fitzwater, title to the bill was agreed to.

Representative Farmer moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

**HB 756, with Senate Committee Amendment No. 1**, relating to security guards, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Ransdall

Reinhart Relford Reynolds Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 159 Wilson Wooten Mr. Speaker

NOES: 007

Evans Gaston Hendrickson Hohulin Lograsso

Pryor Purgason

PRESENT: 001

Bland

ABSENT WITH LEAVE: 011

Crump Ford Goward Green Hand

Harlan Kauffman Nordwald Richardson Thompson 37

Williams 121

On motion of Representative Luetkenhaus, **HB 756, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 133

Akin Alter Auer Backer Barnett 4

Bartelsmeyer Bauer Bennett 15 Boatright Bonner

Boucher Bray 84 Broach Burton Campbell

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Donovan Dougherty

Edwards-Pavia Elliott Enz Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Levin Liese Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Ransdall Reinhart Relford Reynolds Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Thompson 37 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 010

Berkstresser Evans Gaston Hall Hendrickson

Hohulin Legan Lograsso Pryor Purgason

PRESENT: 002

Bland Carter

ABSENT WITH LEAVE: 018

Ballard Barry 100 Crump Dolan Gibbons

Goward Hand Harlan Kauffman Linton

Lumpe Nordwald Patek Richardson Ridgeway

Scheve Shear Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Gratz moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

**RE-APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker re-appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS SB 132**: Representatives Days, Thompson (163), Scheve, Long and Enz.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 347 as amended** , and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to grant the House further conference on **SCS HCS HB 6 as amended**, and requests the House to recede from its position, adopt the CCR and take up and pass CCS/HB 6.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate recede from its position on **SA #1 to HCS HBs 600 & 388 as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SCS SB 16 as amended**: Senators Mathewson, Caskey, Johnson, Ehlmann and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 241 as amended**: Senators Quick, Mathewson, McKenna, Bentley and Rohrbach.

**MOTION**

Representative Hosmer moved that the House refuse to recede from its position on **HCS SB 347, as amended,** and grant the Senate a conference.

Which motion was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HCS HBs 600 and 388**: Representatives Carter, Harlan, Luetkenhaus, Sallee and Wooten.

**HCS SB 347**: Representatives Hosmer, Carter, Rizzo, Cierpiot and Broach.

**SENATE BILL FOR THIRD READING**

**SB 315, with House Committee Amendment Nos. 1 and 2**, relating to school bus safety, was taken up by Representative Koller.

On motion of Representative Koller, House Committee Amendment No. 1 was adopted.

Representative Gratz offered House Substitute Amendment No. 1 for House Committee Amendment No. 2.

*House Substitute Amendment No. 1*

*for*

*House Committee Amendment No. 2*

AMEND Senate Bill No. 315, Page 2, Section 304.050, Line 35, by deleting the word "**The**" and inserting in lieu thereof the words "**A public school district shall have the authority pursuant to this section to adopt a policy which provides that the**".

On motion of Representative Gratz, House Substitute Amendment No. 1 for House Committee Amendment No. 2 was adopted by the following vote:

AYES: 106

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Berkstresser Boatright

Boucher Broach Burton Champion Cierpiot

Cooper Copeland Crawford Daniel 42 Daniels 41

Davis 63 DeMarce Donovan Edwards-Pavia Elliott

Enz Evans Farnen Ford Foster

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Gunn Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Hoppe Hosmer

Howerton Johnson Kelley 47 Kissell Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble McBride McClelland Merideth

Miller Monaco Murphy Naeger O'Connor

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Reinhart Reynolds Robirds

Ross Sallee Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Steen

Summers Surface Thomason 163 Townley Treadway

Troupe Vogel Wannenmacher Williams 159 Wooten

Mr. Speaker

NOES: 042

Barry 100 Bennett 15 Bland Bonner Bray 84

Campbell Carter Clayton Crump Davis 122

Days Dougherty Fitzwater Foley Franklin

Green Hagan-Harrell Harlan Hickey Holand

Hollingsworth Kelly 27 Kennedy Koller Mays 50

McLuckie Murray Ransdall Relford Rizzo

Schilling Shear Skaggs Smith Stokan

Stoll Stroker Tate Van Zandt Wiggins

Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 015

Chrismer Dolan Farmer Goward Hand

Kasten Kauffman Lakin May 108 Nordwald

O'Toole Richardson Ridgeway Scheve Thompson 37

Representative Koller offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Bill No. 315, Page 2, Section 304.050, Line 19, by inserting immediately following the word "**new**" the word "**public**"; and

Further amend said bill, Page 4, Section 307.375, Line 14, by inserting immediately following the word "**on**" the word "**public**".

On motion of Representative Koller, House Amendment No. 1 was adopted.

Representative Liese offered House Amendment No. 2.

*House Amendment No. 2*

AMEND Senate Bill No. 315, Page 2, Section 304.050, Subsection 3, by inserting immediately after all of said subsection the following:

"This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus."

On motion of Representative Liese, House Amendment No. 2 was adopted.

Representative Shields offered House Amendment No. 3.

House Amendment No. 3 was withdrawn.

Representative Shields offered House Amendment No. 3.

*House Amendment No. 3*

AMEND Senate Bill No. 315, Page 2, Section 304.050, Line 24, by inserting immediately after the word "**arm.**" the words "**A school district shall have the authority to exempt itself from the provisions of this subsection by a vote of its board and any private or parochial school shall also have such authority to exempt itself by a vote of its governing body.**"; and

Further amend said bill, Page 4, Section 304.050, Line 92, by inserting immediately after all of said line the following:

"**9. There is hereby established the "School Bus Safety Equipment Grant Program". Public school districts may apply for grants from the program for the purchase of school bus safety equipment which may include, but is not limited to, school bus safety arms, strobe lights, two-way radios and video equipment. The program shall be administered by the director of public safety pursuant to rules and regulations promulgated by the director.**"; and

Further amend said bill, Page 4, Section 307.375, Line 15, by inserting immediately after the abbreviation "**RSMo**" the words "**, except for those schools exempt pursuant to the provisions of such section**".

Representative Reynolds offered House Substitute Amendment No. 1 for House Amendment No. 3.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND Senate Bill No. 315, Page 2, Section 304.050, Line 24, by inserting immediately after the word "**arm.**" the words "**A school district shall have the authority to exempt itself from the provisions of this subsection by a vote of its board and any private school shall also have such authority to exempt itself by a vote of its governing body.**"; and

Further amend said bill, Page 4, Section 304.050, Line 92, by inserting immediately after all of said line the following:

"**9. There is hereby established the "School Bus Safety Equipment Grant Program". School boards or Governing**

**bodies of private schools may apply for grants from the program for the purchase of school bus safety equipment which may include, but is not limited to, school bus safety arms, strobe lights, two-way radios and video equipment. The program shall be administered by the director of public safety pursuant to rules and regulations promulgated by the director.**"; and

Further amend said bill, Page 4, Section 307.375, Line 15, by inserting immediately after the abbreviation "**RSMo**" the words "**, except for those schools exempt pursuant to the provisions of such section**".

**SB 315, as amended, with House Substitute Amendment No. 1 for House Amendment No. 3 and House Amendment No. 3, pending,** was laid over.

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Katelyn Childress, Christine Haring, Daniel Kriegshauser, Amanda Meehan, Nicole Schlanger and Rachel Smick.

**RESOLUTIONS**

Representative Hartzler (124) offered House Resolution No. 1123, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Clayton offered House Resolution Nos. 1124 through 1127, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution Nos. 1128 through 1134, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution Nos. 1135 and 1136, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Scheve offered House Resolution No. 1137, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Harlan offered House Resolution No. 1138, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bartelsmeyer offered House Resolution No. 1139, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Enz offered House Resolution No. 1140, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kreider offered House Resolution No. 1141, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Thomason (163) offered House Resolution Nos. 1142 and 1143, which were

referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cooper offered House Resolution No. 1144, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Shelton 57

NOES: 000

PRESENT: 139

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Bland
Boatright Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farmer Farnen Foley Foster
Franklin Fritts Froelker Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Johnson Kasten Kelley 47 Kennedy
Kissell Koller Kreider Lawson Leake
Legan Levin Liese Linton Lograsso
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Ransdall Reinhart Relford
Reynolds Richardson Robirds Ross Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 023

Bartelsmeyer Berkstresser Bonner Daniel 42 Daniels 41
Fitzwater Ford Gaskill Hagan-Harrell Hand
Howerton Kauffman Kelly 27 Lakin Long
Naeger Nordwald Purgason Ridgeway Rizzo
Sallee Scheve Thompson 37

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SCS SB 141 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SCS HJR 16** and **SCS HB 700**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS HBs 600 & 388 as amended**: Senators Howard, Banks, Clay, Klarich and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 56 as amended**, and has taken up and passed **CCS HCS SCS SB 56**.

**HOUSE CONCURRENT RESOLUTION**

**HCR 31**, relating to economic development, was taken up by Representative Schilling.

Representative Froelker offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Concurrent Resolution No. 31, Page 1, Paragraph 5, by striking said paragraph and inserting in lieu thereof the following:

"BE IT FURTHER RESOLVED that said interim committee be composed of six members of the House to be appointed by the Speaker of the House, three of whom shall be members of the Democratic Party and three of whom shall be members of the Republican Party; and six members of the Senate to be appointed by the President Pro Tem of the Senate, three of whom shall be members of the Democratic Party and three of whom shall be members of the Republican Party; and"; and

Further amend said Resolution, Pages 1-2, Paragraph 7 by striking said paragraph and inserting in lieu thereof the following:

"BE IT FURTHER RESOLVED that the committee gather and analyze information on transportation, land use, public safety, infrastructure needs and costs, environmental concerns, and any other pertinent factors affecting economic development and the quality of life in rapidly growing areas; and".

Representative Schilling requested a division of the question.

*House Amendment No. 1*

PART I

AMEND House Concurrent Resolution No. 31, Page 1, Paragraph 5, by striking said paragraph and inserting in lieu thereof the following:

"BE IT FURTHER RESOLVED that said interim committee be composed of six members of the House to be appointed by the Speaker of the House, three of whom shall be members of the Democratic Party and three of whom shall be members of the Republican Party; and six members of the Senate to be appointed by the President Pro Tem of the Senate, three of whom shall be members of the Democratic Party and three of whom shall be members of the Republican Party; and"; and

PART II

Further amend said Resolution, Pages 1-2, Paragraph 7 by striking said paragraph and inserting in lieu thereof the following:

"BE IT FURTHER RESOLVED that the committee gather and analyze information on transportation, land use, public safety, infrastructure needs and costs, environmental concerns, and any other pertinent factors affecting economic development and the quality of life in rapidly growing areas; and".

Representative Froelker moved that Part I of House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Froelker, Part II of House Amendment No. 1 was adopted.

On motion of Representative Schilling, **HCR 31, as amended,** was adopted.

**THIRD READING OF SENATE BILL**

**SB 315, as amended, with House Substitute Amendment No. 1 for House Amendment No. 3, and House Amendment No. 3, pending,** relating to school bus safety, was again taken up by Representative Koller.

Representative Relford offered House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3.

*House Amendment No. 1*

*to*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND House Substitute Amendment No. 1 for House Amendment No. 3 to Senate Bill No. 315, Page 1, Lines 1 through 6, by deleting all of said lines; and

Further amend said amendment, Line 7, by deleting the word "Further"; and

Further amend said amendment, Lines 10 and 11, by deleting all of said line and inserting in lieu thereof the following:

"**Grant Program". School districts required to be equipped with crossing control arms pursuant to subsection 3 of section 304.050 may apply for grants, after the statewide mandate required pursuant to subsection 3 of section 304.050 is satisfied for**".

Representative Reynolds raised a point of order that House Amendment No. 1 to House Substitute Amendment

No. 1 for House Amendment No. 3 goes beyond the scope of the amendment.

The Chair ruled the point of order not well taken.

Representative Shields offered House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

*to*

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

AMEND House Substitute Amendment No. 1 for House Amendment No. 3 to Senate Bill No. 315, Lines 10 and 11, by deleting all of said line and inserting in lieu thereof the following:

"**Grant Program". School districts and Private Schools required to be equipped with crossing control arms pursuant to subsection 3 of section 304.050 may apply for grants, after the statewide mandate required pursuant to subsection 3 of section 304.050 is satisfied for**".

Representative Hosmer raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3 is in the third degree.

Representative Fitzwater raised an additional point of order that House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3 is out of order in that only one substitute can be before the House at one time.

The Chair ruled the points of order not well taken.

On motion of Representative Shields, House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3 was adopted by the following vote:

AYES: 097

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright

Bonner Boucher Broach Burton Champion

Chrismer Cierpiot Cooper Crawford Dolan

Donovan Edwards-Pavia Elliott Enz Evans

Farnen Foley Foster Froelker Gaskill

Gaston Gibbons Goward Graham 106 Gratz

Green Griesheimer Gross Gunn Hall

Hartzler 123 Hartzler 124 Hegeman Hohulin Holand

Hoppe Howerton Kasten Kelley 47 Kelly 27

Kennedy Kissell Kreider Leake Legan

Levin Liese Linton Lograsso Long

Loudon Marble May 108 Merideth Miller

Murphy Murray Naeger O'Toole Overschmidt

Patek Pouche Pryor Purgason Reinhart

Reynolds Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Sheldon 104

Shields Steen Stoll Summers Surface

Townley Treadway Troupe Vogel Wannenmacher

Wiggins Wooten

NOES: 057

Backer Bland Bray 84 Campbell Carter

Clayton Copeland Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Dougherty Farmer

Fitzwater Ford Franklin Fritts Graham 24

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hosmer Johnson Koller Lakin Lawson

Lumpe Mays 50 McBride McClelland McLuckie

Monaco O'Connor Ostmann Parker Ransdall

Relford Rizzo Scheve Schilling Seigfreid

Shear Shelton 57 Smith Stokan Stroker

Tate Thomason 163 Van Zandt Williams 121 Williams 159

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Daniels 41 Hand Hendrickson Kauffman

Luetkenhaus Nordwald Skaggs Thompson 37

Representative Legan offered House Amendment No. 1 to House Substitute Amendment No. 1, as amended, for House Amendment No. 3.

House Amendment No. 1 to House Substitute Amendment No. 1, as amended, for House Amendment No. 3 was withdrawn.

On motion of Representative Reynolds, House Substitute Amendment No. 1, as amended, for House Amendment No. 3 was adopted by the following vote:

AYES: 097

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright
Bonner Boucher Broach Burton Champion
Chrismer Cierpiot Cooper Crawford Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farnen Foley Foster Froelker Gaskill
Gaston Gibbons Goward Graham 106 Gratz
Green Griesheimer Gross Gunn Hall
Hartzler 123 Hartzler 124 Hegeman Hohulin Holand
Hoppe Howerton Kasten Kelley 47 Kelly 27
Kennedy Kissell Kreider Leake Legan
Levin Liese Linton Lograsso Long
Loudon Marble May 108 Merideth Miller
Murphy Murray Naeger O'Toole Overschmidt
Patek Pouche Pryor Purgason Reinhart
Reynolds Richardson Ridgeway Robirds Ross
Sallee Schwab Scott Secrest Sheldon 104
Shields Steen Stoll Summers Surface
Townley Treadway Troupe Vogel Wannenmacher
Wiggins Wooten

NOES: 057

Backer Bland Bray 84 Campbell Carter
Clayton Copeland Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dougherty Farmer
Fitzwater Ford Franklin Fritts Graham 24
Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth
Hosmer Johnson Koller Lakin Lawson
Lumpe Mays 50 McBride McClelland McLuckie
Monaco O'Connor Ostmann Parker Ransdall
Relford Rizzo Scheve Schilling Seigfreid
Shear Shelton 57 Smith Stokan Stroker
Tate Thomason 163 Van Zandt Williams 121 Williams 159
Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 009

Auer Daniels 41 Hand Hendrickson Kauffman
Luetkenhaus Nordwald Skaggs Thompson 37

Representative Lograsso offered House Amendment No. 4.

*House Amendment No. 4*

AMEND Senate Bill No. 315, Page 6, Section B, Line 2, by adding immediately after said line, the following:

Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 4 was adopted.

Representative Levin offered House Amendment No. 5.

*House Amendment No. 5*

AMEND Senate Bill No. 315, Page 5, Section 307.375, Line 33, by inserting immediately after the word "bus" the following: "**;**

**(17) Any other safety equipment or device required by the local school district**".

On motion of Representative Levin, House Amendment No. 5 was adopted.

Representative Pouche offered House Amendment No. 6.

*House Amendment No. 6*

AMEND Senate Bill No. 315, Page 2, Section 304.050, Line 18, by deleting the words "pick up" and inserting therein the word "**transport**"

On motion of Representative Pouche, House Amendment No. 6 was adopted.

On motion of Representative Koller, **SB 315, as amended,** was read the third time and passed by the following vote:

AYES: 136

Akin Alter Auer Backer Barnett 4

Barry 100 Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Broach Burton

Carter Champion Chrismer Cierpiot Cooper

Copeland Crawford Crump Daniel 42 Davis 122

DeMarce Dolan Dougherty Edwards-Pavia Enz

Evans Farnen Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Tate Thomason 163 Treadway Troupe Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wooten

Mr. Speaker

NOES: 018

Ballard Bartelsmeyer Bray 84 Campbell Clayton

Davis 63 Days Elliott Farmer Fitzwater

Hohulin Loudon Marble Robirds Shear

Townley Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniels 41 Donovan Ford Hand Hendrickson

Kauffman Nordwald Surface Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Luetkenhaus moved that the vote by which the bill passed be reconsidered.

Representative Leake moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF HOUSE BILLS**

**HCS HB 664**, relating to veterans honor guard, was taken up by Representative Ross.

On motion of Representative Ross, **HCS HB 664** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Edwards-Pavia Elliott
Enz Evans Farmer Farnen Foley
Foster Franklin Fritts Froelker Gaskill
Gaston Goward Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Marble May 108 Mays 50 McBride
McClelland Merideth Miller Monaco Murphy
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schwab Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wooten Mr. Speaker

NOES: 006

Bray 84 McLuckie Schilling Shear Van Zandt
Wilson

PRESENT: 000

ABSENT WITH LEAVE: 013

Crump Daniels 41 Dougherty Fitzwater Ford
Gibbons Graham 24 Hand Hendrickson Kauffman
Lumpe Nordwald Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Thomason (163) moved that the vote by which the bill passed be reconsidered.

Representative Tate moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 50**, relating to Missouri fence law, was taken up by Representative Gratz.

On motion of Representative Gratz, **HCS HB 50** was read the third time and passed by the following vote:

AYES: 136

Akin Alter Auer Backer Barnett 4
Barry 100 Bartelsmeyer Bauer Berkstresser Bland
Boatright Bonner Boucher Broach Burton
Campbell Carter Champion Chrismer Clayton
Cooper Copeland Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Foley Foster Franklin Fritts

Froelker Gaston Gibbons Goward Graham 24
Graham 106 Gratz Griesheimer Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Rizzo Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Vogel Wannenmacher Wiggins Williams 121 Wooten
Mr. Speaker

NOES: 019

Ballard Bennett 15 Bray 84 Cierpiot Crawford
Dolan Gaskill Green Gross Kissell
Lograsso McBride Ridgeway Robirds Shear
Stroker Van Zandt Williams 159 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 008

Crump Fitzwater Ford Hand Hendrickson
Kauffman Nordwald Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Daniels (41) moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HB 232**, relating to insurance coverage for cancer screening, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **HB 232** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Daniel 42 Daniels 41 Davis 63 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Hohulin Patek

PRESENT: 001

Auer

ABSENT WITH LEAVE: 010

Crump Davis 122 Fitzwater Ford Hand

Hendrickson Kauffman Murphy Nordwald Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Treadway, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Smith moved that motion lay on the table.

The latter motion prevailed.

**HCS HBs 508 and 145** , relating to elderly shared care, was taken up by Representative Stokan.

On motion of Representative Stokan, **HCS HBs 508 and 145** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Rizzo Ross Sallee Schilling

Schwab Scott Secrest Seigfreid Shear

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Farmer Fitzwater Ford Gratz Hand

Hendrickson Kauffman Murphy Nordwald Ridgeway

Robirds Scheve Sheldon 104 Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF SENATE BILLS**

**SB 264**, relating to sheltered workshops, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), **SB 264** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Foley Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hickey Hohulin Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murray Naeger O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Reynolds

PRESENT: 001

Clayton

ABSENT WITH LEAVE: 010

Fitzwater Ford Hand Hendrickson Kauffman
Long Murphy Nordwald Thompson 37 Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Ransdall moved that motion lay on the table.

The latter motion prevailed.

**SB 176**, relating to water pollution control bonds, was taken up by Representative Leake.

On motion of Representative Leake, **SB 176** was truly agreed to and finally passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 122
Days DeMarce Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murray Naeger O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Bauer Davis 63 Dougherty Fitzwater Ford

Goward Gratz Hand Hendrickson Kauffman

Merideth Murphy Nordwald Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Bray moved that the vote by which the bill passed be reconsidered.

Representative Graham (24) moved that motion lay on the table.

The latter motion prevailed.

**SS SB 97**, relating to confidential mental health reports, was taken up by Representative Green.

Representative Green offered **HS SS SB 97**.

Representative Green offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for Senate Substitute for Senate Bill No. 97, Page 4, Section 630.167, Line 18, of said page, by striking the word "report" and inserting in lieu thereof the following: "**reports**"; and

Further amend said bill, Page 4, Section 630.167, Line 19 of said page, by inserting immediately after the word "disclosure" the following: "**or unless a judicial proceeding or hearing in accordance with section 36.390, RSMo, results;**"; and

Further amend said bill, Page 5, Section 630.167, Line 11 of said page, by striking the closing bracket "]"; and

Further amend said bill, Page 5, Section 630.167, Lines 11-12 of said page, by striking the following: "**or hearing in accordance with section 36.390, RSMo,**"; and

Further amend said bill, Page 5, Section 630.167, Line 13 of said page, by striking the opening bracket "[".

On motion of Representative Green, House Amendment No. 1 was adopted.

Representative Parker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for Senate Substitute for Senate Bill No. 97, Page 1, In the Title, Line 2, by inserting immediately after the word "sections" the following: "552.030 and 610.105, RSMo 1994, and sections 43.503,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "three" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the word "Sections" the following: "552.030 and 610.105, RSMo 1994, and sections 43.503,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "three" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after the word "sections" the following: "43.503, 552.030, 610.105,"; and

Further amend said bill, Page 1, Section 630.155, Line 1, by inserting before all of said line the following:

"43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.530.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, charges, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied by the highway patrol. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, and descriptions to the central repository upon its behalf. In instances where an individual less than seventeen years of age is taken into custody for an offense which would be considered a felony if committed by an adult, the arresting officer shall take one set of fingerprints for the central repository and may take another set for inclusion in a local or regional automated fingerprint identification system. These fingerprints shall be taken on fingerprint cards which are plainly marked "juvenile card" and shall be provided by the central repository. The fingerprint cards shall be so constructed that only the fingerprints, unique identifying number, and the court of jurisdiction are made available to the central or local repository. The remainder of the card which bears the individual's identification and the duplicate unique number shall be provided to the court of jurisdiction. The appropriate portion of the juvenile fingerprint card shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. The juvenile fingerprint card shall be stored in a secure location, separate from all other fingerprint cards. In the event the fingerprints from this card are found to match latent prints searched in the automated fingerprint identification system, the court of jurisdiction shall be so advised.

3. The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

4. The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol, with all final dispositions of criminal cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to subsections 6 and 7 of this section. Such information shall include, for each charge:

(1) All judgments of not guilty, **acquittals on the ground of mental disease or defect excluding responsibility,** judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges**, releases** and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the reporting court, using such numbers as assigned by the highway patrol.

5. The clerk of the courts of each county or city not within a county shall furnish court judgment and sentence documents and the state offense cycle number of the offense, which result in the commitment or assignment of an offender, to the jurisdiction of the department of corrections **or the department of mental health if the person is committed pursuant to chapter 552, RSMo**. This information shall be reported to the department of corrections **or the department of mental health** at the time of commitment or assignment. If the offender was already in the custody of the department of corrections **or the department of mental health** at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the **appropriate** department [of corrections] by certified mail, return receipt requested, within ten days of such disposition.

6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, **or commits a person to the department of mental health pursuant to chapter 552, RSMo,** the prosecuting attorney or the circuit attorney of a city not within a county shall ask the court to order a law enforcement agency to fingerprint immediately all [sentenced] persons appearing before the court **to be sentenced or committed** who have not previously been fingerprinted for the same case. The court shall order the requested fingerprinting if it determines that any sentenced **or committed** person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the central repository without undue delay.

7. The department of corrections **and the department of mental health** shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to [the] **that** department's custody for any offenses which are mandated by [this act] **law** to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway

patrol.

552.030. 1. A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect [he] **such person** was incapable of knowing and appreciating the nature, quality, or wrongfulness of [his] **such person's** conduct.

2. Evidence of mental disease or defect excluding responsibility shall not be admissible at trial of the accused unless the accused, at the time of entering [his] **such accused's** plea to the charge, pleads not guilty by reason of mental disease or defect excluding responsibility, or unless within ten days after a plea of not guilty, or at such later date as the court may for good cause permit, [he] **the accused** files a written notice of [his] **such accused's** purpose to rely on such defense. Such a plea or notice shall not deprive the accused of other defenses. The state may accept a defense of mental disease or defect excluding responsibility, whether raised by plea or written notice, if the accused has no other defense and files a written notice to that effect. The state shall not accept a defense of mental disease or defect excluding responsibility in the absence of any pretrial evaluation as described in this section or section 552.020. Upon the state's acceptance of the defense of mental disease or defect excluding responsibility, the court shall proceed to order the commitment of the accused as provided in section 552.040 in cases of persons acquitted on the ground of mental disease or defect excluding responsibility, and further proceedings shall be had regarding the confinement and release of the accused as provided in section 552.040.

3. Whenever the accused has pleaded mental disease or defect excluding responsibility or has given the written notice provided in subsection 2 of this section, and such defense has not been accepted as provided in subsection 2 of this section, the court shall, after notice and upon motion of either the state or the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, RSMo, or physicians with a minimum of one year training or experience in providing treatment or services to mentally retarded or mentally ill individuals, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused, or shall direct

the director of the department of mental health, or [his] **the director's** designee, to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, RSMo, or physicians with a minimum of one year training or experience in providing treatment or services to mentally retarded or mentally ill individuals designated by the director, or [his] **the director's** designee, as qualified to perform examinations pursuant to this chapter. The order shall direct that written report or reports of such examination be filed with the clerk of the court. No private psychiatrist, psychologist, or physician shall be appointed by the court unless [he] **such psychiatrist, psychologist or physician** has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department of mental health to have the accused examined, the director, or [his] **the director's** designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluation. If an examination provided in section 552.020 was made and the report [thereof] **of such examination** included an opinion as to whether, at the time of the alleged criminal conduct, the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality or wrongfulness of [his] **such accused's** conduct or as a result of mental disease or defect was incapable of conforming [his] **such accused's** conduct to the requirements of law, such report may be received in evidence, and no new examination shall be required by the court unless, in the discretion of the court, another examination is necessary. If an examination is ordered pursuant to this section, the report shall contain the information required in subsections 3 and 4 of section 552.020. Within ten days after receiving a copy of such report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by an examiner of [his] **such accused's** or its own choosing and at [his] **such accused's** or its expense. The clerk of the court shall deliver copies of the report or reports to the prosecuting or circuit attorney and to the accused or [his] **such accused's** counsel. No reports required by this subsection shall be public records or be open to the public. Any examination performed pursuant to this subsection shall be completed and the results shall be filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise.

4. If the report contains the recommendation that the accused should be held in custody in a suitable hospital facility pending trial, and if the accused is not admitted to bail, or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending trial.

5. No statement made by the accused in the course of any such examination and no information received by any physician or other person in the course thereof, whether such examination was made with or without the consent of the accused or upon [his] **the accused's** motion or upon that of others, shall be admitted in evidence against the accused on the issue of whether [he] **the accused** committed the act charged against [him] **the accused** in any criminal proceeding then or thereafter pending in any court, state or federal. The statement or information shall be admissible in evidence for or against [him] **the accused** only on the issue of [his] **such accused's** mental condition, whether or not it would otherwise be deemed to be a privileged communication. If the statement or information is admitted for or against the accused on the issue of [his] **such accused's** mental condition, the court shall, both orally at the time of its admission and later by instruction, inform the jury that it must not consider such statement or information as any evidence of whether the accused committed the act charged against [him] **the accused**.

6. All persons are presumed to be free of mental disease or defect excluding responsibility for their conduct, whether or not previously adjudicated in this or any other state to be or to have been sexual or social psychopaths, or incompetent; provided, however, the court may admit evidence presented at such adjudication based on its probative value. The issue of whether any person had a mental disease or defect excluding responsibility for [his] **such person's** conduct is one for the trier of fact to decide upon the introduction of substantial evidence of lack of such responsibility. But, in the absence of such evidence, the presumption shall be conclusive. Upon the introduction of substantial evidence of lack of such responsibility, the presumption shall not disappear and shall alone be sufficient to take that issue to the trier of fact. The jury shall be instructed as to the existence and nature of such presumption when requested by the state and, where the issue of such responsibility is one for the jury to decide, the jury shall be told that the burden rests upon the accused to show by a preponderance or greater weight of the credible evidence that the defendant was suffering from a mental disease or defect excluding responsibility at the time of the conduct charged against [him] **the defendant**. At the request of the defense the jury shall be instructed by the court as to the contents of subsection 2 of section 552.040.

7. When the accused is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state **as well as state the offense for which the accused was acquitted. The clerk of the court shall furnish a copy of any judgment or order of commitment to the department of mental health pursuant to this section to the criminal records central repository pursuant to section 43.403, RSMo.**

610.105. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty**, unless the finding of not guilty is pursuant to section 552.030, RSMo,** or imposition of sentence

is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided in section 610.120.".

On motion of Representative Parker, House Amendment No. 2 was adopted.

Representative Clayton offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for Senate Substitute for Senate Bill No. 97, Page 3, Section 630.155.3, Line 10, by adding at the end of said line, after the word "faith", the following:

"**unless the department acted negligently, recklessly, or with malicious purpose.**"

On motion of Representative Clayton, House Amendment No. 3 was adopted.

Representative Hosmer offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for Senate Substitute for Senate Bill No. 97, Page 7, Line 25, by inserting after all of said line the following:

"337.636. Persons licensed under the provisions of sections 337.600 to 337.639 may not disclose any information acquired from persons consulting them in their professional capacity, or be compelled to disclose such information except:

(1) With the written consent of the client, or in the case of the client's death or disability, the client's personal representative or other person authorized to sue, or the beneficiary of an insurance policy on the client's life, health or physical condition;

(2) When such information pertains to a criminal act;

(3) When the person is a child under the age of eighteen years and the information acquired by the licensee indicated that the child was the victim of a crime;

(4) When the person waives the privilege by bringing charges against the licensee;

(5) **Upon order of the court,** when the licensee is called upon to testify in any court or administrative hearings concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of clients of the licensee; or

(6) When the licensee is collaborating or consulting with professional colleagues or an administrative superior on behalf of the client.

337.639. Nothing in sections 337.600 to 337.639 shall be construed to prohibit any person licensed under the provisions of sections 337.600 to 337.639 from testifying in court hearings**, upon order of the court,** concerning matters of adoption, adult abuse, child abuse, child neglect, or other matters pertaining to the welfare of children or any dependent person, or from seeking collaboration or consultation with professional colleagues or administrative supervisors on behalf of the client."; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 4 was adopted.

On motion of Green, **HS SS SB 97, as amended**, was adopted.

On motion of Representative Green, **HS SS SB 97, as amended,** was read the third time and passed by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murray

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Bartelsmeyer Bland Davis 63 Fitzwater Foley

Ford Goward Gratz Hand Hendrickson

Kasten Kauffman Lakin Murphy Nordwald

Patek Thompson 37 Townley

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Leake moved that the vote by which the bill passed be reconsidered.

Representative Lawson moved that motion lay on the table.

The latter motion prevailed.

**SB 299**, relating to expense reimbursement, was taken up by Representative Thomason (163).

Representative Legan offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Bill No. 299, Page 1, Section 21.145, Line 2, by striking the words "**an amount not to exceed**" and inserting in lieu thereof the following: "**in the amount of 80% of**"

Representative Ballard offered House Substitute Amendment No. 1 for House Amendment No. 1.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

AMEND Senate Bill No. 299, Page 1, Section 21.145, Line 3, by inserting after the word exceed "80% of"

Further amend Page 2, Section 476.380, Line 5, by inserting after the word exceed "80% of"

On motion of Representative Ballard, House Substitute Amendment No. 1 for House Amendment No. 1 was adopted.

Representative Thomason (163) offered House Amendment No. 2.

House Amendment No. 2 was withdrawn.

On motion of Representative Thomason (163), **SB 299, as amended,** was read the third time and passed by the following vote:

AYES: 095

Alter Ballard Bartelsmeyer Bauer Boucher

Bray 84 Broach Burton Campbell Carter
Champion Cooper Copeland Crump Daniel 42
Daniels 41 Davis 63 Days DeMarce Donovan
Dougherty Evans Farmer Fitzwater Foley
Franklin Fritts Froelker Gibbons Graham 106
Gratz Green Griesheimer Gross Gunn
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hickey
Holand Hollingsworth Hoppe Hosmer Johnson
Kasten Kelley 47 Kelly 27 Koller Lakin
Lawson Leake Legan Levin Liese
Lograsso Long Loudon Luetkenhaus Lumpe
McBride McLuckie Murray O'Connor Ostmann
Overschmidt Pryor Reynolds Robirds Ross
Schilling Scott Seigfreid Shear Sheldon 104
Shelton 57 Skaggs Smith Steen Stokan
Stoll Stroker Summers Thomason 163 Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 058

Akin Auer Backer Barnett 4 Barry 100
Berkstresser Boatright Bonner Chrismer Cierpiot
Clayton Crawford Davis 122 Dolan Edwards-Pavia
Elliott Enz Farnen Foster Gaskill
Gaston Graham 24 Hagan-Harrell Hall Hegeman
Hohulin Howerton Kennedy Kissell Kreider
Linton Marble May 108 Mays 50 McClelland
Merideth Miller Monaco Naeger O'Toole
Parker Patek Pouche Purgason Ransdall
Reinhart Relford Richardson Ridgeway Rizzo
Sallee Scheve Schwab Secrest Shields
Surface Tate Townley

PRESENT: 001

Bennett 15

ABSENT WITH LEAVE: 009

Bland Ford Goward Hand Hendrickson

Kauffman Murphy Nordwald Thompson 37

Speaker Gaw declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 044

Bland Boucher Cooper Copeland Crump
Daniel 42 Daniels 41 Davis 63 Days DeMarce
Donovan Dougherty Farmer Fitzwater Franklin
Griesheimer Gunn Hagan-Harrell Hartzler 123 Heckemeyer
Johnson Kasten Koller Leake Legan
Liese McBride Overschmidt Reynolds Robirds
Schilling Shear Shelton 57 Smith Stokan
Stoll Thomason 163 Thompson 37 Troupe Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 107

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Boatright Bonner Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Crawford Davis 122 Dolan Edwards-Pavia
Elliott Enz Evans Farnen Foley
Foster Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Gross
Hall Harlan Hartzler 124 Hegeman Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Kelley 47 Kelly 27 Kennedy Kissell
Kreider Lakin Lawson Levin Linton
Lograsso Long Loudon Luetkenhaus Marble
May 108 Mays 50 McClelland McLuckie Merideth
Miller Monaco Murray Naeger O'Connor
O'Toole Ostmann Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Ross Sallee
Scheve Schwab Scott Secrest Seigfreid
Sheldon 104 Shields Skaggs Steen Stroker
Summers Surface Tate Townley Van Zandt

Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 012

Berkstresser Ford Goward Green Hand

Hendrickson Kauffman Lumpe Murphy Nordwald

Treadway Williams 121

On motion of Representative Franklin, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**HCS SS SB 121**, relating to seat belts and riding in truck beds, was taken up by Representative Williams (121).

Representative Williams (121) offered **HS HCS SS SB 121**.

Representative Williams (159) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 6, Section 307.173, Line 3, by inserting after said line the following:

"4. No person shall be stopped, inspected or detained solely to determine compliance with this section." and

Further re-number accordingly.

On motion of Representative Williams (159), House Amendment No. 1 was adopted.

Representative Boucher offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 1, In the Title, Line 5, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 12, by deleting "307.178 and 1," and inserting in lieu thereof the following: "307.178, 1 and 2,"; and

Further amend said bill, Page 11, Section 1, Line 12, by inserting after all of said line the following:

"**Section 2. 1. No person shall operate any truck, as defined in section 301.010, RSMo, with a gross weight of**

**twelve thousand pounds or less on any highway of this state when any unrestrained animal is in the open area or bed of such truck. An animal is restrained if any one of the following conditions are met:**

**(1) The open area or bed of the truck is completely enclosed;**

**(2) The animal is confined to a cage which is securely attached to the truck; or**

**(3) The animal is dual restrained by opposite fastened leads.**

**2. The provisions of this section shall apply only to trucks operated on a highway which is part of the interstate or state highway system or a four-lane highway system. The provisions of this section shall not apply to the following:**

**(1) Any person whose truck is engaged in an agricultural activity;**

**(2) Any person whose truck is participating in a parade, caravan or exhibition which is authorized by any applicable law;**

**(3) Any person whose truck is being operated solely for the purposes of providing assistance in the rescue of an animal in peril.**

**3. Any person who violates the provisions of this section shall be deemed guilty of the crime of "endangering others with an unsecured cargo" and such crime shall be punishable as a class A misdemeanor.**

**4. Any person who violates the provisions of this section and during such violation an animal falls, is thrown or otherwise lost overboard from the open area or bed of the truck shall be deemed guilty of a class B misdemeanor for each such animal which is lost.**".

Representative Elliott offered House Amendment No. 1 to House Amendment No. 2.

House Amendment No. 1 to House Amendment No. 2 was withdrawn.

House Amendment No. 2 was withdrawn.

Representative Froelker requested a division of the question on **HS HCS SS SB 121, as amended**.

On motion of Representative Williams (121), **Part I of HS HCS SS SB 121, as amended,** was adopted.

Representative Pryor offered House Amendment No. 1 to **Part II of HS HCS SS SB 121, as amended**.

*House Amendment No. 1*

*to*

*Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 7, Section 307.178, Line 2, by deleting the word "**twenty-one**" and inserting in lieu thereof the word "**eighteen**".

Representative Bennett offered House Substitute Amendment No. 1 for House Amendment No. 1 to **Part II of HS HCS SS SB 121, as amended**.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 1*

*to*

*Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 7, Line 2, by removing the words "twenty-one" and replacing it with the word "sixteen,"

Further amend said bill, Page 9, Lines 15 and 16, by removing the word "eighteen" and replacing it with the word "sixteen,"

Representative Bennett moved that House Substitute Amendment No. 1 for House Amendment No. 1 to **Part II of HS HCS SS SB 121, as amended,** be adopted.

Which motion was defeated.

On motion of Representative Pryor, House Amendment No. 1 to **Part II of HS HCS SS SB 121, as amended,** was adopted by the following vote:

AYES: 078

Akin Ballard Barnett 4 Bartelsmeyer Bennett 15

Berkstresser Boatright Broach Burton Campbell

Champion Chrismer Cierpiot Cooper Crawford

DeMarce Dolan Edwards-Pavia Elliott Enz

Evans Farnen Foster Froelker Gaskill

Gaston Gibbons Graham 106 Gratz Griesheimer

Hall Hartzler 124 Heckemeyer Hegeman Hohulin

Howerton Johnson Kasten Kelley 47 Kelly 27

Koller Lawson Leake Legan Linton

Lograsso Long Loudon Marble McBride

Merideth Miller Naeger Overschmidt Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Rizzo Robirds Sallee Schwab

Scott Secrest Sheldon 104 Shields Steen

Stoll Summers Surface Townley Vogel

Wannenmacher Wiggins Williams 159

NOES: 072

Alter Auer Backer Barry 100 Bauer

Bland Bonner Boucher Bray 84 Carter

Clayton Copeland Daniels 41 Davis 63 Davis 122

Days Donovan Dougherty Farmer Fitzwater

Ford Franklin Fritts Graham 24 Green

Gross Hagan-Harrell Harlan Hartzler 123 Hickey

Holand Hollingsworth Hoppe Hosmer Kennedy

Kissell Kreider Lakin Levin Liese

Luetkenhaus Lumpe May 108 Mays 50 McClelland

McLuckie Monaco Murray O'Toole Ostmann

Parker Ransdall Relford Reynolds Ross

Scheve Schilling Seigfreid Shear Shelton 57

Skaggs Smith Stokan Stroker Tate

Thompson 37 Treadway Troupe Van Zandt Williams 121

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Crump Daniel 42 Foley Goward Gunn

Hand Hendrickson Kauffman Murphy Nordwald

O'Connor Thomason 163 Wooten

**HCS SS SB 121, with Part I of HS, as amended, adopted, and Part II of HS, as amended, pending,** was laid over.

**HOUSE BILLS FOR THIRD READING - INFORMAL**

**HB 215**, relating to caseload standards, was taken up and placed back on the Informal Calendar.

**HS HCS HB 282**, relating to peace officers, was taken up and placed back on the Informal Calendar.

**SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HB 734** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 734** was delivered to the Governor by the Chief Clerk of the House.

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 655**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Committee Substitute for House Bill No. 655 with Senate Perfecting Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 655 with Senate Perfecting Amendment No. 1;

2. That the House recede from its position on House Bill No. 655;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 655 be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Brian May /s/ Harold Caskey

/s/ Scott B. Lakin /s/ David Klarich

/s/ James O'Toole /s/ James Mathewson

/s/ Chuck Wooten /s/ Sam Graves

/s/ Chuck Pryor /s/ John Scott

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 387**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 387; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 387;

2. That the Senate recede from its position on Senate Bill No. 387;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 387 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Phil Smith /s/ John Schneider

/s/ Craig Hosmer /s/ Jerry Howard

Kelly Parker /s/ Sidney Johnson

/s/ Michael Gibbons /s/ Peter Kinder

/s/ Todd Akin /s/ Anita Yeckel

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SB 376** - Motor Vehicle and Traffic Regulations

**COMMITTEE REPORTS**

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SCS SBs 258 & 228**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SCS SB 251**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SS SB 275**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Environment and Energy**, Chairman Wiggins reporting:

Mr. Speaker: Your Committee on Environment and Energy, to which was referred **SB 72**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Labor**, Chairman Hickey reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HR 621**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment**

**No. 1.**

House Resolution No. 621

**Whereas**, farm workers toiling in strawberry fields are among the most exploited workers in the nation; and

**Whereas**, up to 20,000 women, men, and children who are working in California strawberry fields typically spend 10 to 12 hours a day picking fruit from ankle-level plants, suffer chronic back pain and injuries, and experience potentially dangerous exposure to pesticides; and

**Whereas**, most strawberry workers receive poverty-level wages and have not had a pay raise in 10 years; and

**Whereas**, strawberry workers have few or no medical benefits, sexual harassment is common, and bathrooms in the fields are often filthy; and

**Whereas**, Monsanto Corporation is headquartered in St. Louis, Missouri, and has a subsidiary named Garguilo Inc. in California that employs 1,000 strawberry workers; and

**Whereas**, Garguilo is one of a few large cooler corporations that shoulders most of the responsibility for establishing conditions in the strawberry industry; and

**Whereas**, California strawberry workers are tired of these terrible conditions and seek safety, security, and a voice on the job; and

**Whereas**, Monsanto Corporation has the power to alleviate the harsh conditions of strawberry workers in California due to its control of Garguilo Inc.:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, commend the United Farm Workers of America's California strawberry organizing campaign and express our concern at the abuses committed against farm workers; and

**Be it further resolved** that the Missouri House of Representatives urge Monsanto Corporation to support justice

for the strawberry workers and their right to organize; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be directed to send a copy of this resolution to the United Farm Workers of America.

*House Committee Amendment No. 1*

AMEND House Resolution No. 621, Page 1, Lines 19 and 20, by deleting all of said lines and inserting in lieu thereof the following:

Be it further resolved that the Missouri House of Representatives urge Monsanto Corporation to continue their effort to improve the working conditions for strawberry workers in California.

**Committee on Municipal Corporations**, Chairman Shelton (57) reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **SS SB 466**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Transportation**, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 108**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Ways and Means**, Chairman Farmer reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SBs 457 & 458**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SS SCS SB 345**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SB 247**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HCS HB 335**, entitled:

An act to repeal sections 354.400, 354.405, 354.410, 354.430, 354.470, 354.490, 354.505, 354.515, 354.535, 374.500, 374.507, 374.510, 376.382, 376.423, 376.810 and 538.205, RSMo 1994, and sections 376.381 and 376.811, RSMo Supp. 1996, relating to managed care organizations, and to enact in lieu thereof sixty-three new sections relating to the same subject, with penalty provisions and an expiration date for a certain section.

With Senate Amendment Nos. 1, 3, 4, 5, Part 4 of Senate Amendment No. 6, Part 5 of Senate Amendment No. 6 as amended by Senate Amendment No. 1 to Part 5 of Senate Amendment No. 6, Senate Amendment Nos. 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32.

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 54, Section 354.618.1, Line 18, by adding the following:

"**8. Nothing in this Act shall be construed to pre-empt the employer's right to select the health care provider pursuant to section 287.140 in a case where an employee incurs a work-related injury covered by the**

**provisions of Chapter 287, RSMo.**".

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1387, Line 22, by striking the word "panel" and inserting in lieu thereof, the word "**organization**"; and further amend said bill, page 89 on line 23 and line 24, by striking the word "panel(s)", and inserting in lieu thereof the word "**organization(s)**"; and further amend said bill, page 89, line 26, by striking the word, "panel(s)", and inserting in lieu thereof, the word "**organization(s)**"; and further amend said bill, page 90, line 1, by striking the word "random" and inserting in lieu thereof, the word "**rotational**".

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1387, Line 21, by striking the words", including but not limited to," and inserting in lieu thereof the words "but if the grievance is unresolved by the director then it shall be resolved by".

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 376.1387.1, Line 19, by adding after the word "determination" the following: "as to covered services".

*Part 4*

*of*

*Senate Amendment No. 6*

Further amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 96, Section 536.028, Line 19 of said page, by inserting immediately after all of said line the following:

"537.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) "Health care professional", a physician or surgeon licensed under the provisions of chapter 334, RSMo, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, while acting within their scope of practice;

(2) "Peer review committee", a committee of health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed

hospital, or other health facility operating under constitutional or statutory authority, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) Any other organization formed pursuant to state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

**(5) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization**.

3. Each member of a peer review committee and each person, hospital governing board, **health maintenance organization board of directors,** and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority**, chief executive officer or medical director of a licensed health maintenance organization** who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the proceedings, findings, deliberations, reports, and minutes of peer review committees concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards."; and

Amend the title and enacting clause accordingly and.

*Part 5*

*of*

*Senate Amendment No. 6*

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 105, Section 11, Line 9 of said page, by inserting immediately after all of said line the following:

"**Section 12. 1. The director of the department of insurance shall personally report to the appropriate committees of the general assembly by March 1 of each year on the status of all actions initiated, maintained by the director, or which have been concluded, during the preceding year to enforce the provisions of this act.**

**The director shall answer all questions regarding such actions, or regarding other matters that are related to the provisions of this act.**

**2. Any person against whom the director has taken an action to enforce the provisions of this act shall be allowed to make a statement before any committee hearing the report of the director.**

**3. Any statement made at such a hearing shall not be used as evidence in any administrative hearing on the action, or in any case reviewing the action.**"; and

Further amend said bill, Page 105, Section 12, Line 18 of said page, by striking the following: "and 13" and inserting in lieu thereof the following: "**, 13 and 14**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*

*to*

*Part 5*

*of*

*Senate Amendment No. 6*

AMEND Part 5 of Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 1, Section 12, Lines 11-15, by deleting all of said lines and further amend said amendment, Page 1, Section 12, Line 16, by deleting the words "reviewing the action".

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 55, Section 354.624, Lines 16-21 of said page, by striking all of said lines and inserting in lieu thereof the following:

"**1. A health carrier shall file with the director all contract forms proposed for use with its participating providers and intermediaries. The forms shall not contain any information on compensation terms, rates or other payments by the carrier to participating providers or intermediaries and shall contain information on any term involving risk-sharing arrangements between the parties.**".

*Senate Amendment No. 8*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 85, Section 376.1367, Line 6, by deleting the word "thirty" and inserting in lieu thereof the word "sixty".

*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 26, Section 354.443, Line 18, by adding after the period "." the following: "Capitation arrangements between health maintenance organizations and health care providers shall not be considered an inducement to limit, restrict or deny access to medical services.".

*Senate Amendment No. 10*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 40, Section 354.606, Line 20, by inserting after the word "**remedy**" the following:

"**; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person**".

*Senate Amendment No. 11*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 33, Section 354.535, Line 14 of said page, by inserting immediately after said line the following:

"**5. Health maintenance organizations shall not insist or mandate any provider to change an enrollee's maintenance drug unless the provider and enrollee agree to such change. For the purposes of this provision, a maintenance drug shall mean a drug prescribed by a practitioner who is licensed to prescribe drugs, used to treat a medical condition for a period greater than thirty days. Violations of this provision shall be subject to the penalties provided in section 354.444, RSMo. Notwithstanding other provisions of law to the contrary, health maintenance organizations that change an enrollee's maintenance drug without the consent of the provider and enrollee shall be liable for any damages resulting from such change.**".

*Senate Amendment No 12*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 54, Section 354.618, Line 18, by inserting immediately after all of said line the following:

"**9. Nothing contained in this act shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits under Chapter 287 pursuant to contractual arrangements with employers, or their insurers, under Section 287.135.**"

*Senate Amendment No. 13*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 53, Section 354.618.4, Line 25, by inserting before the word "A", the following: "except for good cause," further amend said section, Line 27, by striking the "comma" on said line.

*Senate Amendment No. 16*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 25, Section 354.442, Line 10, by inserting after the word "organization" on said line the words "**and any financial interest in a pharmacy provider utilized by such organization**" and

Further amend said bill, Section 354.443, Page 26, Line 12, by inserting after the word "arrangements" on said line the following: ", financial interest in," and

Further amend said section and page, Line 13, by inserting after the word "would" on said line the words "encourage or"

*Senate Amendment No. 17*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 24, Section 354.442, Line 15, by deleting the "and" after the ";" ; and

Further amend said bill, section and page, Line 20, by deleting the "**.**" and inserting in lieu thereof **"; and**

(15) The director of the department of insurance shall develop a standard credentialing form which shall be used by all health carriers when credentialing health care professionals in a managed care plan. If the health carrier demonstrates a need for additional information, the director of the department of insurance may approve a supplement to the standard credentialing form. All forms and supplements shall meet all requirements as defined by the National Committee of Quality Assurance."

*Senate Amendment No. 18*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 86, Section 376.1375, Line 11, by deleting the word "fifteen" and inserting in lieu thereof the word "twenty";

Further amend said bill, same section and page, line 15, by deleting the word "fifteen" and insert in lieu thereof the word "twenty".

*Senate Amendment No. 19*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 87, Section 376.1378, Line 22, by inserting immediately after said line:

**"5. In the event there is a conflict between the outcomes of the grievance procedure and any such suit, the outcome of the suit in a court of competent jurisdiction shall prevail."**

And further amend said bill, Section 376.1387, Page 90, Line 1, by deleting after the word "basis." the rest of said line and all of lines 2-17, and inserting the following:

"**The organization's decision as to the resolution of the grievance shall be based upon a review of the written record before it. The grievance and resolution of such grievance shall not be considered a contested case within the meaning of section 536.010, RSMo, but the resolution of such grievance by the panel shall be considered a final agency decision within the director's discretion, binding upon the enrollee and health carrier, and subject to judicial review if:**

**(1) Action for such review is filed within thirty days of the final agency decision; and**

**(2) Judicial review is limited to the record before the director; and**

**(3) The enrollee and health carrier are deemed real parties in interest; and**

**(4) The scope of judicial review extends only to a determination of whether the action of the director is unconstitutional, unlawful, unreasonable, arbitrary, or capricious or involves an abuse of discretion or is in excess of the statutory authority or jurisdiction of the director.**"

*Senate Amendment No. 20*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 69, Section 376.811, Line 14, by inserting after the word "illness" the following: "**, not to exceed ninety days per year**".

*Senate Amendment No. 21*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, by deleting subsection 13, on Page 81, Lines 19 to 25, and inserting in lieu thereof the following:

"13. If an authorized representative of a health carrier authorizes the provision of health care services, the health carrier shall not subsequently retract its authorization after the health care services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless

(1) such authorization is based on a material **misrepresentation** or **omission** about the treated person's health condition or the cause of the health condition; or

(2) the **health benefit plan terminates** before the health care services are provided; or

(3) the covered person's **coverage under the health benefit plan terminates before** the **health care services are provided**."

*Senate Amendment No. 22*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 33, Section 354.535, Line 14, by inserting immediately after said line the following:

"6. Notwithstanding any provision to the contrary under section 354.535, Subsection 5 of this act, maintenance drugs as described in this section shall not include drugs which are classified as narrow therapeutic index drugs for which the United States Food and Drug Administration has approved a generic substitute."

*Senate Amendment No. 23*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Pages 51-52, Section 354.618, Lines 1 and 2, Page 52, Lines 1-28, and Page 53, Lines 1-6, by deleting said lines and inserting in lieu thereof the following:

"**354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder.**

**(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee.**

**(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after the effective date of this section; however, multi-year group contracts need not comply until the expiration of their current multi-year term unless the group contract holder elects to comply before that time.**

**(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.**

**2. For the purposes of this act, the following terms shall mean:**

**(1) "Open Referral Plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;**

**(2) "Gatekeeper Group Plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.**"; and renumber remaining subsections accordingly.

*Senate Amendment No. 24*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 33, Section 354.535, Lines 2-9, by deleting and replacing with the following:

3. Every health maintenance organization shall apply the same coinsurance, copayment and deductible factors to all drug prescriptions filled by a pharmacy provider who participates in the health maintenance organization's network if the provider meets the contract's explicit product cost determination. If any such contract is rejected by any pharmacy provider, the HMO may offer other contracts necessary to comply with any network adequacy provisions of this act. However, nothing in this section shall be construed to prohibit the health maintenance organization from applying different coinsurance, copayment and deductible factors between generic and brand name drugs.

*Senate Amendment No. 25*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 78, Section 376.1361, Lines 18-22, by deleting said lines and inserting in lieu thereof the following: "**Missouri. A licensed**"

*Senate Amendment No. 26*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 91, Section 376.1390, Lines 16-17, by striking all of said lines; and further amend line 18, by striking the following: "provisions of sections 376.1350 to 376.1390."; and

Further amend said bill, page and section, line 21, by inserting after all of said line the following:

"**376.1399. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:**

**(1) To regulate the internal affairs of the department of insurance;**

**(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and**

**(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.**

**2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**" and

Further amend said bill, page 105, Section 13, line 27, by inserting after all of said line the following:

"**Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:**

**(1) To regulate the internal affairs of the department of insurance;**

**(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and**

**(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.**

**2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are**

**nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 27*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 7, Section 354.400, Line 28, by striking "advanced practice nursing," appearing in said lines; and Page 8, Line 14, by striking "advanced practice nurses,".

*Senate Amendment No. 28*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 89, Section 375.1385, Line 14, by inserting after the word "enrollees" the following: "or the health carrier's or plan sponsor's rights"; and

Further amend said bill at the same page, section and line, by deleting the word "right"; and

Further amend said bill at page 89, Section 376.1387, Line 20, by deleting the words "against a health carrier" and inserting in lieu thereof the words "or health carrier or plan sponsor" before the word "through";

*Senate Amendment No. 29*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 4, Section 354.400, Line 1, of said page, by striking "354.636" and inserting in lieu thereof the following: "**354.535**".

*Senate Amendment No. 30*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 41, Section 354.606, Line 13, by deleting the "." following "carrier" and inserting the following:

"nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, copayments or deductibles."

*Senate Amendment No. 32*

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, Page 43, Section 354.606, Line 12, by adding immediately after the word "care" the following, "but shall not disclose individual identities,"

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, May 8, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

**Correct House Journal, Sixty-sixth Day, Tuesday, May 6, 1997, page 1566, roll call, by showing Representatives Reinhart, Robirds and Days voting "aye" rather than "absent with leave".**

**Page 1567, roll call, by showing Representatives Reinhart and Bartelsmeyer voting "aye" rather than "absent with leave".**

**Pages 1569 and 1570, roll call, by showing Representatives Johnson, Gaston and Fitzwater voting "aye" rather than "absent with leave".**

**Pages 1569 and 1570, roll call, by showing Representative Days voting "no" rather than "absent with leave".**

**Pages 1570 and 1571, roll call, by showing Representative Gaston voting "no" rather than "absent with leave".**

**Pages 1570 and 1571, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".**

**Pages 1573 and 1574, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".**

**Pages 1576 and 1577, roll call, by showing Representative Bland voting "aye" rather than "absent with leave".**

**Pages 1576 and 1577, roll call, by showing Representatives Ransdall and Stokan voting "no" rather than "absent with leave".**

**Pages 1577 and 1578, roll call, by showing Representatives May (108), Stokan and Ransdall voting "aye" rather than "absent with leave".**

**Page 1582, roll call, by showing Representative Howerton voting "present" rather than "absent with leave".**

**Page 1582, roll call, by showing Representatives Bland and Levin voting "aye" rather than "absent with leave".**

**Page 1585, roll call, by showing Representative Bartelsmeyer voting "aye" rather than "absent with leave".**

**Pages 1585 and 1586, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".**

**Pages 1586 and 1587, roll call, by showing Representative Gibbons voting "aye" rather than "absent with leave".**

**Pages 1587 and 1588, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".**

**Pages 1590 and 1591, roll call, by showing Representative Akin voting "no" rather than "absent with leave".**

**Pages 1590 and 1591, roll call, by showing Representatives Summers and Kelly (27) voting "aye" rather than "absent with leave".**

**Pages 1591 and 1592, roll call, by showing Representatives Davis (63) and Kelly (27) voting "aye" rather than "absent with leave".**

**Pages 1592 and 1593, roll call, by showing Representatives Kelly (27) and Bland voting "aye" rather than "absent with leave".**

**Page 1593, roll call, by showing Representatives Days and O'Connor voting "aye" rather than "absent with leave".**

**Page 1594, roll call, by showing Representatives Bland, Davis (122), Days, and Stroker voting "aye" rather than "absent with leave".**

**Page 1595, roll call, by showing Representative Lakin voting "aye" rather than "absent with leave".**

**COMMITTEE MEETINGS**

**EDUCATION - ELEMENTARY AND SECONDARY**

**Thursday, May 8, 1997. Hearing Room 8 upon morning adjournment.**

**To be considered - Executive Session - SB 168**

**JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

**Thursday, May 8, 1997, 8:30 am. Hearing Room 7. Contested fiscal note.**

**To be considered - SB 202, HB 811**

**MISCELLANEOUS BILLS AND RESOLUTIONS**

**Thursday, May 8, 1997. Side gallery upon morning adjournment. Executive session.**

**CORRECTED NOTICE**

**To be considered - SB 274**

**HOUSE CALENDAR**

**SIXTY-EIGHTH DAY, THURSDAY, MAY 8, 1997**

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 595 - Koller**

**2 HB 57, as amended, HA 3, pending - Shear**

**3 HB 267 - Overschmidt**

**4 HCS HB 724 - Riback Wilson**

**5 HB 108 - Scheve**

**6 HB 423, HCA 1 - Backer**

**7 HB 848 - DeMarce**

**8 HCS HB 511 - Graham (24)**

**9 HB 497, HCA 1 - Naeger**

**10 HB 106 - Bland**

**11 HB 753 - Broach**

**12 HB 47 - Bland**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**1 HB 570, as amended - Stoll**

**2 HCS HB 155, 81 & 171 - Farmer**

**3 HCS HB 426, 576 & 567 - Luetkenhaus**

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HS HCS HB 349, as amended, HS, adopted, pending - Koller

10 HCS HB 723, 789 & 372, as amended, - Dougherty

HOUSE BILLS FOR THIRD READING

HB 135, (Budget Fiscal 4-30-97) - Dougherty

HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long

HOUSE BILLS FOR THIRD READING - INFORMAL

HB 215 - Dougherty

HS HCS HB 282 - Kissell

SENATE BILLS FOR THIRD READING

1 HCS SCS SB 141 - Treadway

2 HCS SS SB 121, Part I HS,a.a. adopted, Part II HS, a. a., pending - Williams (121)

3 HCS SCS SB 89 - Legan

4 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn

5 HCS SS SB 11 - Leake

6 SB 449, HCA 1 - Harlan

7 HCS SS SCS SB 165, (Budget Fiscal 5-6-97) - Rizzo

8 SB 67, HCA 1 - Steen

9 HCS SS SB 248, E.C. - May (108)

10 HCS SB 21, E.C. - Hoppe

11 HCS SS SB 361, E.C. - Dougherty

12 SB 128 - Liese

13 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty

14 SCS SB 49,213,130,32,235 & 221, HCAs 1, 2, 3, 4,(Budget Fiscal 5-5-97) - Crump

15 SB 358, HCAs 1, 2, 3, - Gratz

16 HCS SS SB 208, (Budget Fiscal 5-6-97) - Scheve

17 HCS SCS SB 79 - Thomason (163)

HOUSE BILLS WITH SENATE AMENDMENTS

HB 722, SA 1 - Johnson

SS HB 711 - Hartzler (124)

SCS HB 802, E.C. - Gratz

SCS HB 816 - Williams (159)

SCS HB 394 - Loudon

BILLS CARRYING REQUEST MESSAGES

SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

CCR SCS HCS HB 6, a.a.(Sen refuses to grant further conf/req. House pass CCS) - Tate

HCS HB 424 & 534, a.a. (Req. Sen rec on SA 1 & E.C./grant House conference) - Crump

BILLS IN CONFERENCE

1 CCR SCS HCS HB 7, as amended, - Tate

2 CCR SCS HCS HB 8, as amended, - Franklin

3 CCR SCS HCS HB 9, as amended, - Lakin

4 CCR SCS HCS HB 10 - Carter

5 CCR SCS HCS HB 11 - Lakin

6 CCR SCS HCS HB 12, as amended, - Green/Franklin

7 HCS#2 SB 161 - Kelly (27)

8 HCS SCS SB 316 - Hoppe

9 CCR HCS SB 387, E.C. - Smith

10 CCR SCS HB 655, as amended, E.C. - May (108)

11 HS HCS SCS SB 16, as amended - Backer

12 CCR CCS HCS SCS SB 56, as amended - May (108)

13 SS SCS HB 491, as amended, - Gaw

14 HS HCS SB 218 - Crump

15 HCS SB 132, as amended, - Days

16 HCS SB 241, as amended, - Hosmer

17 HCS HB 600 & 388, as amended, E.C. - Carter

18 HCS SB 347, as amended, - Hosmer

SENATE CONCURRENT RESOLUTION

SCR 21, (4-10-97, pgs. 1033 & 1034) -

HOUSE RESOLUTIONS

HR 725, (4-30-95, pg. 1458) - Gratz

HR 621, HCA 1 (5-7-97) - Murray

HR 995, (5-6-97, pg. 1598) - Kennedy

HCS HR 548, (4-29-97, pgs 1409) - Dougherty

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-EIGHTH DAY, Thursday, May 8, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

O Lord, as the human drama unfolds before us each day, we become ever more aware of the need for your peace in this world. Whether it's radical separatists in a Texas stand off, criminals roaming the backwoods of Missouri, or terrorist threats in foreign lands, there is unrest in the world and injustice to be addressed.

But as we approach this last week of the session, remind us of good things that have been accomplished in this place this year. The health and welfare of Missouri's children have been seriously addressed, the way people are affected by taxes has been looked at and negotiated, the laws and regulations of Missouri have been reviewed for their service to the people.

O God of Compassion, these representatives have put in a tough year and are in the long, tiring, downhill run. Give them strength for the finish. Give them courage to stand firm, and bless them in their efforts. And help them, O Holy One, to continue to work for the causes of peace and justice. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ryan Boswell, Cale Hill, Mac Mohi, Cody Sloan, Adam Adrignola, Emily Adrignola, Matthew Adrignola, Sam Adrignola, Josh Joly, Rusty Mounce, Patrick Gabel, Sarah Fulkerson, Sarah Karner and Todd Lewis.

The Journal of the sixty-seventh day was approved as corrected.

**RESOLUTIONS**

Representative Surface offered House Resolution No. 1145, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Long and Scott offered House Resolution Nos. 1146 through 1163, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 1164, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SCS HB 257, SS SCS HB 343** and **HB 628**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Speaker Gaw assumed the Chair.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 722, with Senate Amendment No. 1**, relating to property lease in St. Francois County, was taken up by Representative Johnson.

On motion of Representative Johnson, the House concurred in Senate Amendment No. 1 by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Tate Thomason 163 Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Kissell

PRESENT: 000

ABSENT WITH LEAVE: 013

Daniels 41 Donovan Froelker Hand Harlan

Kelly 27 Marble Pryor Shear Surface

Thompson 37 Townley Treadway

On motion of Representative Johnson, **HB 722, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Howerton Johnson Kasten

Kauffman Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Hall Hand Harlan Hosmer Kelly 27

Pryor Sheldon 104 Thompson 37 Townley

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**SS HB 711**, relating to municipal officials, was taken up by Representative Hartzler (124).

On motion of Representative Hartzler (124), **SS HB 711** was adopted by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser

Bland Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Bauer Boatright Daniels 41 Hand Harlan

Kelly 27 Purgason Thompson 37

On motion of Representative Hartzler (124), **SS HB 711** was truly agreed to and finally passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Davis 63 Davis 122
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Bennett 15 Daniels 41 Days Foley Hand
Harlan Kelly 27 Lograsso Schwab Thompson 37
Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 802**, relating to conveyance of property in Cole County, was taken up by Representative Gratz.

On motion of Representative Gratz, **SCS HB 802** was adopted by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Davis 63
Davis 122 DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Levin Liese Linton
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pryor Purgason
Ransdall Reinhart Relford Reynolds Richardson
Ridgeway Rizzo Robirds Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Fitzwater

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Days Hand Harlan Holand

g8

Kelly 27 Legan Lograsso Pouche Thompson 37

On motion of Representative Gratz, **SCS HB 802** was truly agreed to and finally passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Carter Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 002

Fitzwater Hoppe

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Campbell Champion Daniels 41 Donovan
Foley Gibbons Goward Hand Harlan
Kelly 27 Mays 50 Stoll Thompson 37 Wiggins

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Bray 84
Broach Burton Campbell Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 Davis 122 DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hollingsworth Hoppe Hosmer
Johnson Kasten Kauffman Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Summers Surface Tate

Thomason 163 Townley Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 010

Bland Carter Gaston Hohulin Holand

Merideth Purgason Shear Stroker Troupe

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniels 41 Days Gibbons Goward Hand

Harlan Howerton Kelly 27 Lograsso Stoll

Thompson 37 Treadway

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Farnen moved that the vote by which the bill passed be reconsidered.

Representative Davis (63) moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 816**, relating to emergency telephone boards, was taken up by Representative Williams (159).

Representative Williams (159) moved that the House refuse to adopt **SCS HB 816** and request the Senate to recede from its position or, failing to do so, grant the House a conference, and that the conferees be allowed to exceed the differences in section 650.325.

Which motion was adopted.

**SCS HB 394**, relating to vehicle license plates, was taken up by Representative Loudon.

Representative Loudon moved that the House refuse to adopt **SCS HB 394** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HJR 9**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 11 (b) and 11 (c) of article X of the Constitution of Missouri, relating to limitations on local tax rates and adopting three new sections in lieu thereof relating to the same subject.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 1

*Senate Substitute Amendment No. 1*

*to*

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 9, Page 1, In the Title, Line 4, by striking the word "three" and inserting in lieu thereof the word "four"; and

Further amend said resolution and page, in the preamble, line 4, by striking the word "amendment" and inserting in lieu thereof the following: "amendments, to be presented to the voters as separate questions"; and

Further amend Section A, line 2, by striking the word "three" and by inserting the word "two" and further amend said line by striking "11(b), 11(c) and 11(g)" and inserting in lieu thereof the following "11(b) and 11(c)" and further amend said resolution, page 2, section 11(c), line 25, by inserting after said line the following:

"Section B. Article X, Constitution of Missouri is amended by adopting one new section thereto, to be submitted to the voters as a separate question, and to be known as 11(g), to read as follows:".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCA 1, HSA 1 for HCA 2, HA 1, HA 2, HSA 1 for HA 1 to HSA 1 for HA 3, HSA 1 for HA 3 as amended; HA 4, HA 5, HA 6 to SB 315** and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 142 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 387**, and has taken up and passed **CCS HCS SB 387**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HSA 1 for HA 1 to SB 299** and has taken up and passed **SB 299 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 347 as amended**: Senators Banks, Wiggins, Staples, Sims and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SS SB 367 as amended** and has taken up and passed **HS SS SB 367 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 263** and has taken up and passed **HCS SCS SB 263**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SCR 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 28**.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Concurrent Resolution No. 28, Senate Journal 4-23-97, Page 825, Column 2, Lines 16, 18, 23, 29, 32 and 38 of said column, by striking the word "Amtrack" from said lines and inserting in lieu thereof the following: "Amtrak".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCR 26**.

SENATE CONCURRENT RESOLUTION NO. 26

BE IT RESOLVED that the Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that the Secretary of State of Missouri shall prepare and cause to be collated, indexed, printed and bound, all acts and resolutions of the Eighty-ninth General Assembly, First Regular Session and extra sessions, if any, and shall examine the printed copies and compare them with and correct the same by the original rolls and note all errors, if any, which have been committed and cause errata thereof to be annexed, together with an attestation under the hand of the Secretary of State that she has compared the same and the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Secretary of State; and

BE IT FURTHER RESOLVED that the Secretary of State is authorized to print and bind up to two thousand five hundred (2500) copies of the acts and resolutions of the eighty-ninth General Assembly with appropriate indexing.

In which the concurrence of the House is respectfully requested.

**MOTION**

Representative May (108) moved that the House refuse to recede from its position on **HS HCS SB 142, as amended,** and grant the Senate a conference.

Which motion was adopted.

**THIRD READING OF SENATE BILL**

**HCS SCS SB 141**, relating to professional registration, was taken up by Representative Treadway.

Representative Treadway offered **HS HCS SCS SB 141**.

Representative McBride offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, by adding the following section:

334.080 1. Every person licensed under the provisions of this chapter shall renew his certificate of registration on or before the registration renewal date. The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following: the applicant's full name and his office and residence address and the date and number of his license; all final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory federal agency or country; and, information concerning the applicant's current physical and mental fitness to practice as a physician and surgeon.

2. A blank form for application for registration shall be mailed to each person licensed in this state at his last known office or residence address. The failure to receive it does not, however, relieve any person of the duty to register and pay the fee required by the chapter nor exempt him from the penalties provided by this chapter for failure to register.

**3. If a person licensed, certified, or registered by the Board of Healing Arts does not renew such license, certification, or registration for two consecutive renewal periods, such license, certification, or registration shall be deemed void.**

On motion of Representative McBride, House Amendment No. 1 was adopted.

Representative Auer offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 61, Section 338.057, Line 3, by inserting after the word "pharmacy." the following: "**The department of health, the state board of registration for the healing arts and the state board of pharmacy shall meet on a semiannual basis to consider information from all interested parties and the Federal Food and Drug Administration Approved Drug Products with Therapeutic Equivalence Evaluations (FDA Orange Book) in making their joint determination. Notice of such meetings shall be published in the Missouri Register.**".

On motion of Representative Auer, House Amendment No. 2 was adopted.

Representative O'Toole offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 1, In the Title, Line 11, by deleting the word "sixty-eight" and inserting in lieu thereof the word "sixty-nine"; and

Further amend said bill, Page 2, Section A, Line 1 of said page, by deleting the word "sixty-eight" and inserting in lieu thereof the word "sixty-nine"; and

Further amend said bill, Page 2, Section A, Line 9 of said page, by deleting the word and number "and 37" and inserting in lieu thereof the following: ", 37 and 38"; and

Further amend said bill, Page 121, Section 37, Line 2 of said page, by inserting after all of said line the following:

"**Section 38. Any person performing inspections for evidence of wood destroying insects at the request of the buyer, seller or lending institution for real estate transactions shall have in effect a valid Missouri certified commercial applicator's license, pesticide technician's license working under the direct supervision of a certified commercial applicator, certified noncommercial applicator's license or a certified public operator's license in subcategory 7b-termite pest control issued pursuant to chapter 281, RSMo.**".

Representative Gross raised a point of order that House Amendment No. 3 is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative O'Toole, House Amendment No. 3 was adopted by the following vote:

AYES: 084

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Campbell Carter

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 63 Davis 122 DeMarce Donovan

Dougherty Farmer Foley Ford Franklin

Graham 24 Gratz Green Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hickey Holand

Hollingsworth Hoppe Hosmer Johnson Kauffman

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Luetkenhaus

Lumpe May 108 Mays 50 McLuckie Monaco

Murray O'Connor O'Toole Overschmidt Parker

Ransdall Relford Reynolds Rizzo Scheve

Schilling Shear Sheldon 104 Shelton 57 Skaggs

Stokan Stoll Stroker Thomason 163 Treadway

Troupe Van Zandt Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Crawford Days

Dolan Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foster Fritts Froelker

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hall Hartzler 124 Hegeman Hendrickson

Hohulin Howerton Kasten Kelley 47 Legan

Levin Linton Lograsso Long Loudon

Marble McBride McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Sallee Schwab

Scott Secrest Seigfreid Shields Smith

Steen Summers Surface Tate Townley

Vogel

PRESENT: 000

ABSENT WITH LEAVE: 003

Goward Hand Thompson 37

Representative Lograsso offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 117, Section 36, Line 8, by deleting all of said section and inserting in lieu thereof the following:

Section 36. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Lograsso, House Amendment No. 4 was adopted.

Representative Bennett offered House Amendment No. 5.

Representative Treadway raised a point of order that House Amendment No. 5 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Ostmann offered House Amendment No. 5.

*House Amendment No.* 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 57, Section 337.035, Line 1 of said page, by inserting after the word "**person**" the following: "**who is related with the second degree of consanguinity or affinity and**".

On motion of Representative Ostmann, House Amendment No. 5 was adopted.

Representative Bennett offered House Amendment No. 6.

*House Amendment No.* 6

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, Page 36, Section 334.100, Line 15, by inserting after all of said line the following:

"334.103. 1. The license of a physician shall be automatically revoked at such time as the final trial proceedings are concluded whereby a physician has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a physician, or for any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license of a physician to practice the healing arts in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such physician shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

**3. The license of a physician shall be automatically revoked at such time as such physician is found guilty or has entered a plea of guilty or nolo contendere in a prosecution under the laws of any state or the laws of the United States or any territory of the United States for assisting in a suicide or if there is clear and convincing evidence that the physician assisted in a suicide in any jurisdiction whether or not it is a criminal offense for a physician to assist in a suicide in such jurisdiction. Nothing in this subsection shall be construed to apply to any physician concerning the treatment of a patient when such physician is following the directions in a living will or durable power of attorney for health care decisions or to any physician who participates in an execution on behalf of the department of corrections.**

**Section 1. For the purposes of sections 1 to 3 of this act and section 334.103, RSMo, the following terms mean:**

**(1) "Licensed health care professional", a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, nurse, dentist or pharmacist licensed pursuant to the laws of Missouri;**

**(2) "Suicide", the act or instance of taking one's own life voluntarily and intentionally.**

**Section 4. 1. A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the course of violating section 2 of this act by any person who is:**

**(1) The spouse, parent, child or sibling of the person who would commit suicide;**

**(2) Entitled to inherit from the person who would commit suicide;**

**(3) A health care provider of the person who would commit suicide;**

**(4) A public official with appropriate jurisdiction to prosecute or enforce the laws of this state.**

**Section 5. A cause of action for civil damages against any person who violates or who attempts to violate section 2 of this act may be maintained by any person given standing by section 4 of this act for compensatory damages and exemplary damages pursuant to section 578.080, RSMo, whether or not the plaintiff consented to or had prior knowledge of the violation or attempt.**

**Section 6. Reasonable attorneys' fees shall be awarded to the prevailing party in a civil action brought pursuant to section 4 or 5 of this act.**"; and

Further amend the title and enacting clause accordingly.

Representative Benett moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright

Broach Burton Champion Chrismer Cierpiot

Cooper Crawford Dolan Donovan Elliott

Enz Evans Foley Foster Froelker

Gaskill Gaston Gibbons Graham 106 Gratz

Griesheimer Gross Hall Hartzler 124 Hegeman

Hendrickson Hohulin Howerton Kasten Kelley 47

Kissell Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

Murphy Naeger Ostmann Patek Pouche

Pryor Purgason Reinhart Reynolds Richardson

Ridgeway Ross Sallee Schwab Scott

Secrest Shields Steen Summers Surface

Vogel

NOES: 081

Backer Bauer Bland Bonner Bray 84

Campbell Carter Clayton Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Farmer Farnen Fitzwater Franklin

Fritts Graham 24 Green Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hickey Holand

Hollingsworth Hoppe Hosmer Johnson Kauffman

Kelly 27 Kennedy Koller Kreider Lakin

Lawson Leake Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Monaco

Murray O'Toole Overschmidt Parker Ransdall

Relford Rizzo Robirds Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Tate

Thomason 163 Treadway Troupe Van Zandt Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Boucher Dougherty Edwards-Pavia Ford Goward

Hand Miller Nordwald O'Connor Thompson 37

Townley

On motion of Representative Treadway, **HS HCS SCS SB 141, as amended,** was adopted.

On motion of Representative Treadway, **HS HCS SCS SB 141, as amended,** was read the third time and passed by the following vote:

AYES: 115

Alter Auer Backer Barnett 4 Barry 100

Bauer Bennett 15 Bland Bonner Bray 84

Broach Burton Campbell Carter Champion

Chrismer Clayton Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Enz Farnen

Fitzwater Foley Franklin Fritts Graham 24

Graham 106 Griesheimer Gross Gunn Hagan-Harrell

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hoppe Hosmer

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Levin Liese Long

Loudon Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Monaco

Murray Naeger O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Reinhart Relford

Reynolds Rizzo Robirds Ross Scheve

Schilling Schwab Secrest Seigfreid Shear

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Tate

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 028

Ballard Bartelsmeyer Berkstresser Boatright Cierpiot

Elliott Evans Foster Froelker Gaskill

Gaston Gibbons Gratz Hohulin Howerton

Linton Marble Murphy Patek Pryor

Purgason Richardson Ridgeway Sallee Scott

Sheldon 104 Surface Townley

PRESENT: 000

ABSENT WITH LEAVE: 020

Akin Boucher Cooper Dougherty Edwards-Pavia

Farmer Ford Goward Green Hand

Harlan Hollingsworth Legan Lograsso Miller

Nordwald O'Connor Thomason 163 Thompson 37 Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Bauer moved that the vote by which the bill passed be reconsidered.

Representative Foley moved that motion lay on the table.

The latter motion prevailed.

**MOTION**

**Representative Koller moved that the House refuse to recede from its position on House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Committee Amendment No. 2, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6, to SB 315 and grant the Senate a conference.**

**Which motion was adopted.**

REFERRAL OF HOUSE CONCURRENT RESOLUTION

The following House Concurrent Resolution was referred to the Committee indicated:

HCR 33 - Miscellaneous Bills and Resolutions

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 26 - Miscellaneous Bills and Resolutions

REFERRAL OF SENATE JOINT RESOLUTION

The following Senate Joint Resolution was referred to the Committee indicated:

SJR 6 - Budget

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS#2 SCS SB 284 - Civil and Administrative Law

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Scott is no longer a member of the Ways and Means Committee.

Representative Richardson has been appointed a member of the Ways and Means Committee.

On motion of Representative Backer, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Gaw.

RESOLUTIONS

Representatives Reynolds and Farmer offered House Resolution No. 1165, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Reynolds and Stroker offered House Resolution No. 1166, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Skaggs offered House Resolution No. 1167.

Representative Cierpiot offered House Resolution Nos. 1168 through 1171, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 1172, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution Nos. 1173 and 1174, which were referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Williams (159) offered House Resolution No. 1175, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (123) offered House Resolution Nos. 1176 and 1177, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Green offered House Resolution No. 1178, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer offered House Resolution No. 1179, which was referred to the Committee on Miscellaneous Bills and Resolutions.

COMMITTEE REPORT

Committee on Rules, Joint Rules, and Bills Perfected and Printed, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred HB 340, HB 523, HB 756, SCS HB 820 and HB 823, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 002

Clayton Kreider

NOES: 000

PRESENT: 121

Akin Alter Ballard Barry 100 Bartelsmeyer

Bennett 15 Berkstresser Bland Boatright Bonner

Broach Burton Campbell Carter Champion

Chrismer Cooper Crump Davis 63 Davis 122

Days DeMarce Dolan Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Heckemeyer Hegeman Hendrickson

Hickey Hollingsworth Hoppe Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kissell

Koller Lakin Leake Legan Levin

Liese Linton Lograsso Long Loudon

Lumpe Marble May 108 McBride McClelland

McLuckie Merideth Murphy Naeger Nordwald

**O'Connor O'Toole Ostmann Overschmidt Parker**

**Patek Pouche Pryor Purgason Ransdall**

**Reinhart Reynolds Richardson Rizzo Robirds**

**Ross Sallee Schilling Schwab Scott**

**Secrest Seigfreid Shear Shelton 57 Shields**

**Skaggs Smith Steen Stokan Stroker**

**Summers Thomason 163 Townley Treadway Vogel**

**Wannenmacher Williams 121 Williams 159 Wilson Wooten**

**Mr. Speaker**

**ABSENT WITH LEAVE: 040**

**Auer Backer Barnett 4 Bauer Boucher**

**Bray 84 Cierpiot Copeland Crawford Daniel 42**

**Daniels 41 Donovan Dougherty Ford Gibbons**

**Goward Graham 24 Hand Hartzler 124 Hohulin**

**Holand Hosmer Kennedy Lawson Luetkenhaus**

**Mays 50 Miller Monaco Murray Relford**

**Ridgeway Scheve Sheldon 104 Stoll Surface**

**Tate Thompson 37 Troupe Van Zandt Wiggins**

**THIRD READING OF SENATE BILL**

**HS HCS SS SB 121, with Part I of HS, as amended, adopted, Part II of HS, as amended, pending, relating to seat belts and riding in truck beds, was again taken up by Representative Williams (121).**

**Representative Lograsso offered House Amendment No. 2 to Part II of HS HCS SS SB 121.**

***House Amendment No. 2***

**AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 11, Section 1, Line 12, by inserting after all of said line the following:**

**"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:**

**(1) Operate any vehicle upon any highway in this state unless the person has a valid license;**

**(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;**

**(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;**

**(4) Operate a motor vehicle with an instruction permit or license issued to another person.**

**2. Every person who is under twenty-one years of age operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.**

**3. Notwithstanding the provisions of section 302.340, violation of subsection 1 of this section shall be deemed a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section shall be deemed an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear."; and**

**Further amend said bill, by amending the title and enacting clause accordingly.**

**Representative Hosmer raised a point of order that House Amendment No. 2 to Part II of HS HCS SS SB 121 is not germane to the bill.**

**The Chair ruled the point of order not well taken.**

**On motion of Representative Lograsso, House Amendment No. 2 to Part II of HS HCS SS SB 121 was adopted by the following vote:**

**AYES: 088**

**Ballard Bartelsmeyer Bennett 15 Berkstresser Boatright**

**Bonner Broach Burton Champion Chrismer**

**Cierpiot Clayton Cooper Copeland Crawford**

**Crump Davis 63 Davis 122 DeMarce Dolan**

**Edwards-Pavia Elliott Enz Evans Farnen**

**Foley Foster Froelker Gaskill Gaston**

**Gratz Griesheimer Gross Hall Harlan**

**Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey**

**Hohulin Hoppe Howerton Kelly 27 Kissell**

**Koller Kreider Lawson Leake Legan**

**Linton Lograsso Long Loudon Marble**

**Mays 50 McBride Merideth Naeger Nordwald**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reinhart Relford Richardson**

**Ridgeway Robirds Ross Schwab Scott**

**Secrest Sheldon 104 Shields Steen Summers**

**Tate Thomason 163 Townley Treadway Vogel**

**Wannenmacher Williams 159 Wooten**

**NOES: 067**

**Akin Alter Auer Backer Barnett 4**

Barry 100 Bauer Bland Boucher Bray 84

Campbell Carter Days Donovan Dougherty

Farmer Fitzwater Franklin Fritts Gibbons

Graham 24 Graham 106 Green Gunn Hagan-Harrell

Heckemeyer Holand Hollingsworth Hosmer Johnson

Kasten Kauffman Kelley 47 Kennedy Lakin

Levin Liese Luetkenhaus Lumpe May 108

McClelland McLuckie Monaco Murphy Murray

O'Connor O'Toole Ostmann Reynolds Rizzo

Sallee Scheve Schilling Seigfreid Shear

Shelton 57 Skaggs Smith Stoll Stroker

Surface Thompson 37 Van Zandt Wiggins Williams 121

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel 42 Daniels 41 Ford Goward Hand

Miller Stokan Troupe

Representative Evans offered House Amendment No. 3 to Part II of HS HCS SS SB 121.

*House Amendment No. 3*

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 1, In the Title, Line 3, by deleting the word and number "section 301.030" and inserting in lieu thereof the following:

"sections 301.030, 307.350 and 307.366"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "four" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting all of said line and inserting in lieu thereof the following: "sections 301.030, 307.350 and 307.366, RSMo Supp. 1996, are repealed and six new"; and

Further amend said bill, Page 1, Section A, Line 12, by inserting after the number "307.178," the numbers 307.350, 307.366,"; and

Further amend said bill, Page 9, Section 307.178, Line 9 of said page, by inserting after all of said line the following:

"307.350. 1. The [owner] purchaser of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, prior to the initial motor vehicle

**registration or the next succeeding registration which is required by law;**

**(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and**

**(3) Historic motor vehicles registered pursuant to section 301.131, RSMo; shall submit such vehicles to [an annual] a one-time inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for annual registration or within sixty days of when a vehicle's registration is transferred. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.**

**2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.**

**[3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current annual registration.**

**4.] 3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.**

**307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, [as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section. Motor vehicles shall have their emission systems tested annually and where applicable, the vehicles shall be tested as part of the motor vehicle safety inspection procedure required by sections 307.350 to 307.390.**

**2. The provisions of this section shall not apply to:**

**(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;**

**(2) Motorcycles and motortricycles;**

**(3) Model year vehicles prior to 1971;**

**(4) School buses;**

**(5) Diesel-powered vehicles;**

**(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and**

**(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law.**

**Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.**

**3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.**

**4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.**

**5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:**

**(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and**

**(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.**

**6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.**

**7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.**

**8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.**

**9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.**

**10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.**

**11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.**

**12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.".**

**Representative Hosmer raised a point of order that House Amendment No. 3 to Part II of HS HCS SS SB 121 goes beyond the scope of the bill.**

**The Chair ruled the point of order not well taken.**

**HCS SS SB 121, with House Amendment No. 3 to Part II of HS, as amended, Part II of HS, as amended, pending and Part I of HS, as amended, adopted, was laid over.**

**MESSAGES FROM THE SENATE**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on HS HCS SB 142 as amended: Senators DePasco, McKenna, Caskey, Singleton and Mueller.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HS HCS SB 19 and has taken up and passed HS HCS SB 19.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on SA 1 & the Emergency Clause to HCS HB 424 & 534 as amended, and grants the House a conference thereon.**

**APPOINTMENT OF CONFERENCE COMMITTEES**

**The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:**

**HS HCS SB 142: Representatives May (108), O'Toole, Rizzo, Wannenmacher and Gaston**

**HCS HB 424 and 534: Representatives Crump, McBride, Ransdall, Long and Ballard**

**SCS HB 394: Representatives Scheve, Backer, Gratz, Loudon and Hohulin**

**SB 315: Representatives Koller, Franklin, Stoll, Hartzler (124) and Shields**

**MESSAGES FROM THE SENATE**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCR 24.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on SCS HB 394 and grants the House a conference thereon.**

**The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Staples, Scott, McKenna, Klarich and Flotron.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS HB 791, entitled:**

**An act to repeal sections 493.027, 493.030 and 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof three new sections relating to the same subject.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HCS HB 331, entitled:**

**An act to repeal sections 86.260, 86.267, 86.387, 86.447, 86.450, 86.453, 86.457, 86.463, 86.467, 86.620, 86.650 and 86.670, RSMo 1994, and sections 86.253, 86.256, 86.370, 86.430, 86.600, 86.630 and 86.672, RSMo Supp. 1996, relating to retirement systems of certain political subdivisions, and to enact in lieu thereof twenty-one new sections relating to the same subject, with penalty provisions.**

**With Senate Amendment No. 1**

***Senate Amendment No. 1***

**AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 331, Page 33, Section 86.810, Line 13, by inserting immediately after all of said line the following:**

**"Section 1. As referred to in sections 92.110 and 92.210 RSMo, the terms salaries, wages, commissions and other compensation shall not include any contributions to any deferred compensation plans, such as but not limited to, any salary reduction plans, cafeteria plans or any other similar plans deferring the receipt of compensation by a resident or non-resident if such contribution is not subject to Missouri State income tax at the time such contribution is made"; and**

**Further amend said bill by amending the title and enacting clause accordingly.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 105.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HCS HB 459, entitled:**

**An act to repeal section 136.055, RSMo 1994, and section 301.030, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.**

**With Senate Amendment No. 1, Senate Amendment No. 2**

***Senate Amendment No. 1***

**AMEND House Committee Substitute for House Bill No. 459, Pages 1-2, Section 136.055, Lines 7-13, by striking all of said lines and inserting in lieu thereof the following:**

**(1) For each motor vehicle or trailer license sold, renewed or transferred -- [one dollar and fifty cents] two dollars from the effective date of this act until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;**

**(2) For each application or transfer of title -- [one dollar and fifty cents] two dollars from the effective date of this act until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;**

**(3) For each chauffeur's, operator's or driver's license -- two dollars until January 1, 1998; and two dollars and fifty cents beginning January 1, 1998;"; and**

**Further amend said bill, Page 2, Section 136.055, Lines 19-21, by striking all of said lines and renumbering the remaining subsections accordingly.**

***Senate Amendment No. 2***

**AMEND House Committee Substitute for House Bill No 459, Page 3, Section 301.030, Line 39, by adding one new section after said line to read as follows:**

**"Section 1, Any other provision of the law to the contrary not withstanding no contractual provision between the department of revenue and its agents which prohibits said agent from employing a lobbyist shall be binding on said agent, and no subsequent contract shall contain such a provision."**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HS HB 390, entitled:**

**An act to repeal sections 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1996, relating to emergency services, and to enact in lieu thereof thirty-six new sections relating to the same subject.**

**With Senate Amendment No. 2, 3, 4, Senate Substitute Amendment No. 3 for Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10.**

***Senate Amendment No. 2***

**AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Page 7, Section 190.060, Line 73, by inserting immediately after all of said line the following:**

**"5. After August 28, 1997, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing and shall make a finding that the proposed contract to manage and operate the ambulance service will:**

**(1) Provide benefits to the public health that outweigh the associated costs;**

**(2) Maintain or enhance public access to ambulance service;**

**(3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.**

**6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least ninety days.**

**(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1997, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.**

**190.074. To levy and collect taxes as herein provided, the board shall fix a rate of levy, not to exceed ten cents on the one hundred dollars valuation of the taxable tangible property within the district as shown by the last completed assessment, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters at the municipal general, or a state primary or general election in such district or at any election at which a member of the board of directors is to be elected:**

**Shall the board of directors of ..... Ambulance District be authorized to levy an annual tax rate of ..... cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?**

**If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this section, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect."; and**

**Further amend the title and enacting clause accordingly.**

***Senate Amendment No. 3***

**AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Pages 3-4, Section 190.044, Lines 1-29, by striking all of said lines and inserting in lieu thereof the following:**

**"190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district which operates a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area only pay a tax to one entity.**

**2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of both districts at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of both districts:**

**The ..... (description of area) is currently paying a tax to provide ambulance service to the ..... (name of entity created first) and the ..... (name of entity created second). As a result, shall the tax paid to provide ambulance service to the ..... (name of entity created second) be eliminated?**

**[ ] Yes [ ] No**

**3. If a majority of the votes cast are in favor of the elimination of the tax levied and collected by the entity providing ambulance service, then the remaining entity will be declared as the single taxing entity for the area in question. The taxpayers within the area shall thereafter only pay one tax to the remaining entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity whose tax was proposed for elimination by the**

**petition. If a majority of the votes cast are opposed to the elimination of the tax, then the tax shall be reaffirmed.**

**4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity whose tax was proposed for termination by the petition.**

**5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election."; and**

**Further amend the title and enacting clause accordingly.**

***Senate Amendment No. 4***

***AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Page 32, Section 190.205, Line 1, by deleting the word: "Insurance" and inserting in lieu thereof the following: " Health insurance"; and***

***Further amend said bill, Page 32, Section 190.205, Line 4, by deleting the word: "Insurance" and inserting in lieu thereof the following: "Health insurance"; and***

***Further amend said bill, Page 35, Section 190.205, Line 122, by inserting at the end of said line the following:***

***"12. The procedures established for the payment of benefits in sections 190.001 to 190.245, RSMo, shall not apply to any benefits covered pursuant to any liability policy or coverage issued as a supplement to any liability policy"***

***Senate Substitute Amendment No. 3***

***for***

***Senate Amendment No. 6***

***AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Page 20, Section 190.105, Line 157, by striking the word "an" and inserting in lieu thereof the following: "a non-emergency".***

***Senate Amendment No. 7***

***AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Page 57, Section 650.325, Line 2, by inserting between the quotation mark and the word "Committee" the word "Advisory"; and***

***Further amend said bill, Page 59, Section 650.325, Line 64, by adding immediately following the word "services" the words ", however, said committee shall not supersede decision making authority of local political subdivisions in regard to 911 services". and***

***Further amend said bill, Page 59, Section 650.325, Line 63, by immediately adding after the word "Provide", the word "requested".***

***Senate Amendment No. 8***

***AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Pages 8-9, Section 190.100, Lines 64-77, by striking all of said lines and inserting in lieu thereof the following:***

***"(10) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:***

***(a) Placing the person's health in significant jeopardy;***

*(b) Serious impairment to a bodily function;*

*(c) Serious dysfunction of any bodily organ or part;*

*(d) Inadequately controlled pain; or*

*(e) With respect to a pregnant woman who is having contractions:*

*a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or*

*b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;"; and*

*Further amend said bill and section, page 10, lines 115 to 125, by striking all of said lines and inserting in lieu thereof the following:*

*"(18) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;".*

*Senate Amendment No. 9*

*AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Page 18, Section 190.105, Line 75, by inserting after all of said line the following:*

*"9. The provisions of subsections 7 and 8 of this section shall not apply to any political subdivision that has previously utilized a private ambulance service and such service has been terminated by either the political subdivision or the private ambulance service. Such political subdivision may provide ambulance service at its discretion."; and*

*Further renumber the remaining subsections accordingly.*

*Senate Amendment No. 10*

*AMEND Senate Committee Substitute for House Substitute for House Bill No. 390, Page 57, Section 190.247, Line 5, by inserting immediately after all of said line the following:*

*"321.017. Notwithstanding the provisions of section 321.015, no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board while such person is employed by any fire district or ambulance district, except that [an] a salaried employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board [.] if the salaried employee is engaged in a management position with said district. A management position shall be deemed the administrator or assistant administrator of an ambulance district or the chief or assistant chief of a fire district."; and*

*Further amend the title and enacting clause accordingly.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 339.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 129, entitled:*

*An act to amend chapter 376, RSMo, relating to health insurance by adding thereto one new section relating to the same subject.*

*With Senate Committee Amendment No. 1, Senate Amendment No. 1*

*Senate Committee Amendment No. 1*

*AMEND House Bill No. 129, Page 2, Section 376.1209, Line 15, by inserting after all of said line the following:*

*"3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy.".*

*Senate Amendment No. 1*

*AMEND House Bill No. 129, Page 1, Section 376.1209, Line 9, by striking the following: "and achieve symmetry" and inserting in lieu thereof the following: "symmetry as recommended by the oncologist or primary care physician."*

*In which the concurrence of the House is respectfully requested.*

*BILLS CARRYING REQUEST MESSAGES*

*CCR SCS HCS HB 6, as amended, relating to appropriations, was again taken up by Representative Tate.*

*Representative Tate moved that CCR SCS HCS HB 6, as amended, be adopted.*

*Representative Bennett made a substitute motion that the House refuse to adopt CCR SCS HCS HB 6, as amended, and request the Senate to recede from its position or, failing to do so, grant the House a conference and the conferees be bound.*

*Representative Lumpe raised a point of order that the substitute motion is a negative motion.*

*The Chair ruled the point of order well taken.*

*Representative Clayton assumed the Chair.*

*Speaker Gaw resumed the Chair.*

*On motion of Tate, CCR SCS HCS HB 6, as amended, was adopted by the following vote:*

*AYES: 083*

*Auer Backer Bartelsmeyer Bauer Bland*

*Boucher Bray 84 Burton Campbell Carter*

*Champion Clayton Cooper Copeland Crump*

*Davis 63 Davis 122 Days DeMarce Donovan*

*Dougherty Elliott Farmer Farnen Fitzwater*

*Foster Franklin Fritts Graham 24 Graham 106*

*Hagan-Harrell Harlan Hartzler 123 Heckemeyer Hoppe*

*Hosmer Johnson Kauffman Kelly 27 Kennedy*

*Koller Kreider Lakin Lawson Leake*

*Legan Long Lumpe May 108 Mays 50*

*McBride McClelland McLuckie Merideth Monaco*

*Naeger Parker Ransdall Relford Ridgeway*

*Rizzo Ross Schilling Seigfreid Shear*

*Shelton 57 Skaggs Smith Stokan Stroker*

*Summers Surface Tate Thomason 163 Thompson 37*

*Treadway Van Zandt Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 073*

*Akin Alter Ballard Barnett 4 Barry 100*

*Bennett 15 Berkstresser Boatright Bonner Broach*

*Chrismer Crawford Daniel 42 Daniels 41 Dolan*

*Edwards-Pavia Enz Evans Foley Froelker*

*Gaskill Gaston Gibbons Green Griesheimer*

*Gross Gunn Hall Hartzler 124 Hegeman*

*Hendrickson Hickey Hohulin Holand Hollingsworth*

*Howerton Kasten Kelley 47 Kissell Levin*

*Liese Linton Lograsso Loudon Luetkenhaus*

*Marble Murphy Murray Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Patek Pouche*

*Pryor Purgason Reinhart Reynolds Richardson*

*Robirds Sallee Scheve Schwab Scott*

*Secrest Sheldon 104 Shields Steen Stoll*

*Townley Vogel Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 007*

*Cierpiot Ford Goward Gratz Hand*

*Miller Troupe*

*On motion of Representative Tate, CCS SCS HCS HB 6 was read the third time and passed by the following vote:*

*AYES: 095*

*Auer Backer Bartelsmeyer Bauer Bland*

*Boucher Bray 84 Burton Campbell Carter*

*Champion Cierpiot Clayton Cooper Copeland*

*Crawford Crump Daniel 42 Daniels 41 Davis 63*

*Davis 122 Days DeMarce Donovan Dougherty*

*Edwards-Pavia Elliott Farmer Farnen Fitzwater*

*Foster Franklin Fritts Graham 24 Graham 106*

*Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Holand Hoppe Hosmer*

*Howerton Johnson Kasten Kauffman Kelly 27*

*Kennedy Koller Kreider Lakin Lawson*

*Leake Lumpe May 108 Mays 50 McBride*

*McClelland Merideth Monaco Murray Naeger*

*Overschmidt Parker Ransdall Relford Ridgeway*

*Rizzo Robirds Ross Schilling Seigfreid*

*Shear Shelton 57 Shields Skaggs Smith*

*Stokan Stroker Summers Surface Tate*

*Thomason 163 Treadway Van Zandt Vogel Wiggins*

*Williams 121 Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 059*

*Akin Alter Ballard Barnett 4 Barry 100*

*Bennett 15 Berkstresser Boatright Bonner Broach*

*Chrismer Dolan Enz Evans Foley*

*Froelker Gaskill Gaston Gibbons Green*

*Griesheimer Gross Hall Hendrickson Hickey*

*Hohulin Hollingsworth Kelley 47 Kissell Legan*

*Levin Liese Linton Lograsso Loudon*

*Luetkenhaus Marble Murphy Nordwald O'Connor*

*O'Toole Ostmann Patek Pouche Pryor*

*Purgason Reinhart Reynolds Richardson Sallee*

*Scheve Schwab Scott Secrest Sheldon 104*

*Steen Stoll Townley Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 009*

*Ford Goward Gratz Hand Long*

*McLuckie Miller Thompson 37 Troupe*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Bray, title to the bill was agreed to.*

*Representative Fritts moved that the vote by which the bill passed be reconsidered.*

*Representative Overschmidt moved that motion lay on the table.*

*The latter motion prevailed.*

*CCR SCS HCS HB 7, as amended, relating to appropriations, was taken up by Representative Tate.*

*On motion of Representative Tate, CCR SCS HCS HB 7, as amended, was adopted by the following vote:*

*AYES: 135*

*Alter Auer Backer Ballard Barnett 4*
*Bartelsmeyer Bauer Bennett 15 Berkstresser Bland*
*Boatright Bonner Boucher Bray 84 Broach*
*Burton Campbell Carter Champion Clayton*
*Cooper Copeland Crawford Crump Daniel 42*
*Daniels 41 Davis 63 Davis 122 Dolan Dougherty*
*Edwards-Pavia Elliott Enz Farmer Farnen*
*Fitzwater Foley Foster Franklin Fritts*
*Froelker Gaskill Gaston Gibbons Graham 24*
*Graham 106 Green Griesheimer Gunn Hagan-Harrell*
*Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer*
*Hegeman Hendrickson Hickey Holand Hollingsworth*
*Hoppe Hosmer Howerton Johnson Kauffman*
*Kelley 47 Kelly 27 Kennedy Kissell Koller*
*Lakin Lawson Leake Legan Levin*
*Liese Linton Lograsso Long Luetkenhaus*
*Lumpe Marble May 108 Mays 50 McBride*
*McClelland Merideth Monaco Murray Naeger*
*Nordwald O'Connor O'Toole Ostmann Overschmidt*
*Parker Pouche Purgason Ransdall Reinhart*
*Relford Reynolds Ridgeway Rizzo Robirds*
*Ross Sallee Scheve Schilling Schwab*
*Scott Secrest Shear Sheldon 104 Shelton 57*
*Shields Skaggs Smith Steen Stokan*
*Stoll Stroker Summers Surface Tate*
*Thomason 163 Townley Treadway Van Zandt Vogel*
*Wannenmacher Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 010*

*Akin Chrismer Evans Gross Hohulin*

*Loudon Murphy Patek Pryor Richardson*

*PRESENT: 001*

*Barry 100*

*ABSENT WITH LEAVE: 017*

*Cierpiot Days DeMarce Donovan Ford*

*Goward Gratz Hand Kasten Kreider*

*McLuckie Miller Seigfreid Thompson 37 Troupe*

*Wiggins Williams 121*

*On motion of Representative Tate, CCS SCS HCS HB 7 was read the third time and passed by the following vote:*

*AYES: 143*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser*

*Bland Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Cierpiot Clayton Cooper Copeland Crawford*

*Daniels 41 Davis 63 Davis 122 Days DeMarce*

*Dolan Donovan Dougherty Edwards-Pavia Elliott*

*Enz Farmer Farnen Fitzwater Foley*

*Foster Franklin Fritts Froelker Gaskill*

*Gaston Gibbons Graham 24 Graham 106 Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Holand Hollingsworth Hoppe Hosmer*

*Howerton Johnson Kasten Kauffman Kelley 47*

*Kelly 27 Kennedy Kissell Koller Kreider*

*Lakin Lawson Leake Legan Levin*

*Liese Linton Lograsso Long Luetkenhaus*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland Merideth Monaco Murray Naeger*

*Nordwald O'Connor O'Toole Overschmidt Parker*

*Pouche Pryor Purgason Ransdall Reinhart*

*Relford Reynolds Richardson Ridgeway Rizzo*

*Robirds Ross Sallee Scheve Schilling*

*Schwab Scott Secrest Seigfreid Shear*

*Sheldon 104 Shelton 57 Shields Skaggs Smith*

*Steen Stokan Stoll Summers Surface*

*Tate Thomason 163 Townley Treadway Van Zandt*

*Vogel Wannenmacher Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 007*

*Chrismer Daniel 42 Evans Hohulin Loudon*

*Murphy Patek*

*PRESENT: 001*

*Barry 100*

*ABSENT WITH LEAVE: 012*

*Crump Ford Goward Gratz Hand*

*Hickey McLuckie Miller Ostmann Stroker*

*Thompson 37 Troupe*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Luetkenhaus, title to the bill was agreed to.*

*Representative Lakin moved that the vote by which the bill passed be reconsidered.*

*Representative Lawson moved that motion lay on the table.*

*The latter motion prevailed.*

*CCR SCS HCS HB 8, as amended, relating to appropriations, was taken up by Representative Franklin.*

*On motion of Representative Franklin, CCR SCS HCS HB 8, as amended, was adopted by the following vote:*

*AYES: 144*

*Alter Backer Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bauer Bennett 15 Berkstresser Bland*

*Boatright Boucher Bray 84 Broach Burton*

*Campbell Carter Champion Chrismer Cierpiot*

*Clayton Cooper Copeland Crawford Crump*

*Daniel 42 Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Dolan Donovan Edwards-Pavia Elliott*

*Enz Farmer Farnen Fitzwater Foley*

*Foster Franklin Fritts Froelker Gaskill*

*Gaston Gibbons Graham 24 Graham 106 Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Holand Hollingsworth Hoppe*

*Howerton Johnson Kasten Kauffman Kelley 47*

*Kelly 27 Kennedy Kissell Koller Lakin*

*Lawson Leake Legan Levin Liese*

*Linton Lograsso Long Loudon Lumpe*

*Marble May 108 Mays 50 McBride McClelland*

*McLuckie Merideth Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Parker Pouche Pryor Purgason*

*Ransdall Reinhart Relford Reynolds Richardson*

*Ridgeway Rizzo Robirds Ross Sallee*

*Scheve Schilling Schwab Scott Secrest*

*Seigfreid Shear Sheldon 104 Shelton 57 Shields*

*Skaggs Smith Steen Stokan Stoll*

*Stroker Summers Surface Thomason 163 Townley*

*Treadway Van Zandt Vogel Wiggins Williams 121*

*Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 006*

*Akin Auer Evans Hohulin Kreider*

*Wannenmacher*

*PRESENT: 002*

*Bonner Patek*

*ABSENT WITH LEAVE: 011*

*Dougherty Ford Goward Gratz Hand*

*Hosmer Luetkenhaus Miller Tate Thompson 37*

*Troupe*

*On motion of Representative Franklin, CCS SCS HCS HB 8 was read the third time and passed by the following vote:*

*AYES: 146*

*Alter Auer Backer Ballard Barry 100*

*Bartelsmeyer Bauer Bennett 15 Berkstresser Bland*

*Boatright Boucher Bray 84 Broach Burton*

*Campbell Carter Champion Chrismer Cierpiot*

*Clayton Cooper Copeland Crawford Crump*

*Daniel 42 Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Dolan Donovan Dougherty Edwards-Pavia*

*Elliott Enz Evans Farmer Farnen*

*Fitzwater Foley Foster Franklin Fritts*

*Froelker Gaskill Gaston Gibbons Graham 106*

*Green Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Holand Hollingsworth Hoppe*

*Hosmer Howerton Johnson Kasten Kauffman*

*Kelley 47 Kennedy Kissell Koller Kreider*

*Lakin Lawson Leake Legan Levin*

*Liese Linton Lograsso Long Loudon*

*Luetkenhaus Lumpe Marble May 108 Mays 50*

*McBride McClelland McLuckie Merideth Monaco*

*Murphy Murray Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Scheve Schilling Schwab Scott*

*Secrest Seigfreid Shear Sheldon 104 Shelton 57*

*Shields Skaggs Smith Steen Stokan*

*Stoll Stroker Summers Surface Tate*

*Thomason 163 Townley Treadway Van Zandt Vogel*

*Wannenmacher Williams 121 Williams 159 Wilson Wooten*

*Mr. Speaker*

*NOES: 004*

*Akin Griesheimer Hohulin Wiggins*

*PRESENT: 002*

*Bonner Patek*

*ABSENT WITH LEAVE: 011*

*Barnett 4 Ford Goward Graham 24 Gratz*

*Hand Kelly 27 Miller Sallee Thompson 37*

*Troupe*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Heckemeyer, title to the bill was agreed to.*

*Representative Auer moved that the vote by which the bill passed be reconsidered.*

*Representative Hoppe moved that motion lay on the table.*

*The latter motion prevailed.*

*CCR SCS HCS HB 9, relating to appropriations, was taken up by Representative Lakin.*

*On motion of Representative Lakin, CCR SCS HCS HB 9 was adopted by the following vote:*

*AYES: 147*

*Alter Auer Backer Ballard Barnett 4*
*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*
*Bland Boatright Bonner Boucher Bray 84*
*Broach Burton Campbell Carter Champion*
*Cierpiot Clayton Cooper Copeland Crawford*
*Crump Daniel 42 Daniels 41 Davis 63 Davis 122*
*Days DeMarce Dolan Donovan Dougherty*
*Elliott Enz Evans Farmer Farnen*
*Fitzwater Foley Foster Franklin Fritts*
*Froelker Gaskill Gaston Gibbons Graham 24*
*Graham 106 Green Griesheimer Gross Gunn*
*Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer*
*Hegeman Hendrickson Hickey Holand Hollingsworth*
*Hoppe Howerton Johnson Kasten Kauffman*
*Kelley 47 Kelly 27 Kennedy Kissell Koller*
*Kreider Lakin Lawson Leake Legan*
*Levin Liese Linton Lograsso Long*
*Loudon Luetkenhaus Lumpe Marble May 108*
*Mays 50 McBride McClelland McLuckie Merideth*
*Monaco Murphy Murray Naeger Nordwald*
*O'Toole Ostmann Overschmidt Parker Patek*
*Pouche Pryor Purgason Ransdall Reinhart*
*Relford Reynolds Richardson Ridgeway Robirds*
*Ross Scheve Schilling Schwab Scott*
*Secrest Seigfreid Shear Sheldon 104 Shelton 57*

*Shields Skaggs Smith Steen Stokan*

*Stoll Stroker Summers Surface Tate*

*Thomason 163 Townley Treadway Van Zandt Vogel*

*Wannenmacher Wiggins Williams 121 Williams 159 Wilson*

*Wooten Mr. Speaker*

*NOES: 003*

*Akin Hall Hohulin*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Chrismer Edwards-Pavia Ford Goward Gratz*

*Hand Hosmer Miller O'Connor Rizzo*

*Sallee Thompson 37 Troupe*

*On motion of Representative Lakin, CCS SCS HCS HB 9 was read the third time and passed by the following vote:*

*AYES: 144*

*Alter Auer Backer Ballard Barry 100*

*Bartelsmeyer Bauer Berkstresser Bland Boatright*

*Bonner Boucher Bray 84 Broach Burton*

*Campbell Carter Champion Chrismer Cierpiot*

*Clayton Cooper Copeland Crawford Crump*

*Daniel 42 Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Dolan Dougherty Elliott Enz*

*Evans Farmer Farnen Fitzwater Foley*

*Foster Franklin Fritts Froelker Gaskill*

*Gaston Gibbons Graham 24 Graham 106 Green*

*Griesheimer Gross Gunn Hagan-Harrell Harlan*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson*

*Hickey Holand Hollingsworth Hoppe Hosmer*

*Howerton Johnson Kasten Kauffman Kelley 47*

*Kelly 27 Kennedy Kissell Koller Kreider*

*Lakin Lawson Leake Legan Levin*

*Liese Linton Lograsso Long Loudon*

*Luetkenhaus Lumpe Marble May 108 Mays 50*

*McBride McClelland McLuckie Merideth Monaco*

*Murray Naeger Nordwald O'Connor O'Toole*

*Ostmann Overschmidt Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Ross*

*Scheve Schilling Schwab Scott Secrest*

*Seigfreid Shear Sheldon 104 Shelton 57 Skaggs*

*Smith Steen Stokan Stoll Stroker*

*Summers Surface Tate Thomason 163 Townley*

*Treadway Van Zandt Vogel Wannenmacher Wiggins*

*Williams 121 Williams 159 Wilson Wooten*

*NOES: 003*

*Akin Hall Hohulin*

*PRESENT: 000*

*ABSENT WITH LEAVE: 016*

*Barnett 4 Bennett 15 Donovan Edwards-Pavia Ford*

*Goward Gratz Hand Miller Murphy*

*Robirds Sallee Shields Thompson 37 Troupe*

*Mr. Speaker*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Wiggins, title to the bill was agreed to.*

*Representative Van Zandt moved that the vote by which the bill passed be reconsidered.*

*Representative Tate moved that motion lay on the table.*

*The latter motion prevailed.*

*CCR SCS HCS HB 10, relating to appropriations, was taken up by Representative Carter.*

*Representative Carter moved that the House adopt CCR SCS HCS HB 10.*

*Representative Reynolds made a substitute motion that the House refuse to adopt CCR SCS HCS HB 10 and that the Senate grant the House a further conference on CCR SCS HCS HB 10 and that the conferees be allowed to exceed the differences and ....*

*Representative Backer raised a point of order that the substitute motion is a negative motion.*

*The Chair ruled the point of order well taken.*

*Representative Carter again moved that CCR SCS HCS HB 10 be adopted.*

***Which motion was defeated by the following vote:***

***AYES: 062***

***Auer Backer Bauer Bland Bray 84***
***Campbell Carter Clayton Copeland Daniel 42***
***Daniels 41 Davis 63 Davis 122 Days Dougherty***
***Farmer Farnen Fitzwater Franklin Fritts***
***Graham 24 Gunn Hagan-Harrell Harlan Heckemeyer***
***Hollingsworth Hosmer Johnson Kauffman Kelly 27***
***Koller Kreider Lakin Lawson Lumpe***
***May 108 Mays 50 McBride McClelland McLuckie***
***Monaco Ostmann Parker Ransdall Relford***
***Scheve Schilling Seigfreid Shear Shelton 57***
***Skaggs Smith Stokan Stroker Tate***
***Thomason 163 Van Zandt Wiggins Williams 121 Williams 159***
***Wilson Mr. Speaker***

***NOES: 093***

***Akin Alter Ballard Barnett 4 Barry 100***
***Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner***
***Boucher Broach Burton Champion Chrismer***
***Cierpiot Cooper Crawford Crump DeMarce***
***Dolan Donovan Edwards-Pavia Elliott Enz***
***Evans Foley Foster Froelker Gaskill***
***Gaston Gibbons Graham 106 Griesheimer Gross***
***Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson***
***Hickey Hohulin Holand Hoppe Howerton***
***Kasten Kelley 47 Kennedy Kissell Leake***
***Legan Levin Liese Linton Lograsso***
***Long Loudon Luetkenhaus Marble Merideth***
***Murphy Murray Naeger Nordwald O'Connor***
***O'Toole Overschmidt Patek Pouche Pryor***
***Purgason Reinhart Reynolds Richardson Ridgeway***
***Rizzo Robirds Ross Sallee Schwab***
***Scott Secrest Sheldon 104 Shields Steen***
***Stoll Summers Surface Townley Treadway***
***Vogel Wannenmacher Wooten***

***PRESENT: 000***

*ABSENT WITH LEAVE: 008*

*Ford Goward Gratz Green Hand*

*Miller Thompson 37 Troupe*

*Representative Carter moved that the House refuse to adopt CCR SCS HCS HB 10 and request the Senate to recede from its position or, failing to do so, grant the House a conference.*

*Representative Reynolds made a substitute motion that the House refuse to adopt CCR SCS HCS HB 10 and request the Senate to grant further conference on SCS HCS HB 10, and the conferees be allowed to exceed the differences, and the House conferees be instructed to adopt the following language to CCS SCS HCS HB 10 as follows:*

*replacing Sections 10.685 and 10.690 with the following:*

*10.685. To the Department of Health*

*For the Division of Maternal, Child and Family Health*

*For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or their affiliates that provide or promote abortions.*

*Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.*

*From General Revenue Funds $5,018,639*

*From Federal Funds $1,464,819*

*Total $6,483,458*

*10.690. To the Department of Health*

*For the Division of Maternal, Child and Family Health*

*For the purpose of funding alternatives to abortion services as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or their affiliates that provide or promote abortions.*

*Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.*

*From General Revenue Fund $900,000*

*Representative Carter raised a point of order that the substitute motion is a negative motion.*

*The Chair ruled the point of order not well taken.*

*Representative Riback Wilson raised a point of order that the substitute motion would legislate appropriation bills and would bind the conferees to something that has already been proven unconstitutional by previous legislation.*

*The Chair ruled the point of order not well taken.*

*Representative Crump requested a division of the question on the substitute motion.*

*Part I*

*Representative Reynolds moved that the House refuse to adopt CCR SCS HCS HB 10 and request the Senate to grant further conference on SCS HCS HB 10, and the conferees be allowed to exceed the differences,*

*Part II*

*and the House conferees be instructed to adopt the following language to CCS SCS HCS HB 10 as follows:*

*replacing Sections 10.685 and 10.690 with the following:*

*10.685. To the Department of Health*

*For the Division of Maternal, Child and Family Health*

*For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or their affiliates that provide or promote abortions.*

*Notwithstanding the provisions of section 1.140, RSMo., the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.*

*From General Revenue Funds $5,018,639*

*From Federal Funds $1,464,819*

*Total $6,483,458*

*Section 10.690. To the Department of Health*

*For the Division of Maternal, Child and Family Health*

*For the purpose of funding alternatives to abortion services as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible*

*paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or their affiliates that provide or promote abortions.*

*Notwithstanding the provisions of section 1.140, RSMo., the provisions of this section are nonseverable. If any provision of this section or the application thereof is held invalid or unconstitutional, then this section is invalid and void. It is the intent of the general assembly that there shall be no appropriation pursuant to this section if all or any part of the appropriation is made contrary to the provisions of this section, and there shall be no appropriation pursuant to this section if all or any part of this section is held invalid or unconstitutional.*

*From General Revenue Fund $900,000*

*On motion of Representative Reynolds, Part I of the Substitute Motion was adopted by the following vote:*

*AYES: 104*

*Akin Alter Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner*

*Boucher Broach Burton Champion Chrismer*

*Cierpiot Cooper Copeland Crawford Crump*

*Daniels 41 Days DeMarce Dolan Donovan*

*Edwards-Pavia Elliott Enz Evans Farnen*

*Foley Foster Fritts Froelker Gaston*

*Gibbons Graham 106 Green Griesheimer Gross*

*Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Holand Hoppe Howerton*

*Johnson Kasten Kelley 47 Kennedy Kissell*

*Lawson Leake Legan Levin Liese*

*Linton Lograsso Long Loudon Luetkenhaus*

*Marble Merideth Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Overschmidt*

*Patek Pouche Pryor Purgason Reinhart*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Schwab Scott Secrest*

*Seigfreid Sheldon 104 Shields Steen Stoll*

*Summers Surface Townley Treadway Vogel*

*Wannenmacher Wiggins Williams 159 Wooten*

*NOES: 047*

*Auer Backer Bland Bray 84 Campbell*

*Carter Clayton Davis 63 Davis 122 Dougherty*

*Farmer Fitzwater Franklin Graham 24 Gunn*

*Hagan-Harrell Harlan Hollingsworth Kauffman Kelly 27*

*Koller Kreider Lakin Lumpe May 108*

*Mays 50 McBride McClelland McLuckie Ostmann*

*Parker Ransdall Relford Scheve Schilling*

*Shear Shelton 57 Skaggs Smith Stokan*

*Tate Thomason 163 Thompson 37 Van Zandt Williams 121*

*Wilson Mr. Speaker*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Bauer Daniel 42 Ford Gaskill Goward*

*Gratz Hand Hohulin Hosmer Miller*

*Stroker Troupe*

*Representative McClelland offered House Amendment No. 1 to Part II of the Substitute Motion.*

*House Amendment No. 1*

*AMEND Part II of Substitute Motion on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, by amending Section 10.690, Paragraph 1 of the proposed language by adding the following at the end of the paragraph:*

*"Any agency who receives funding from money allocated for services can only serve individuals who meet all eligibility requirements for the state's temporary assistance for needy families program."*

*Representative Monaco raised a point of order that House Amendment No. 1 is out of order.*

*The Chair ruled the point of order not well taken.*

*Representative McClelland moved that House Amendment No. 1 to Part II of the Substitute Motion be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 053*

*Auer Backer Bauer Bland Boucher*

*Bray 84 Campbell Carter Clayton Daniel 42*

*Daniels 41 Davis 63 Davis 122 Days Farmer*

*Farnen Fitzwater Franklin Fritts Graham 24*

*Gunn Hagan-Harrell Harlan Hollingsworth Hosmer*

*Kauffman Kelly 27 Kreider Lakin Lawson*

*Lumpe May 108 McClelland McLuckie Ostmann*

*Ransdall Relford Scheve Schilling Seigfreid*

*Shear Shelton 57 Shields Smith Stokan*

*Stroker Tate Thomason 163 Van Zandt Williams 121*

*Williams 159 Wilson Mr. Speaker*

*NOES: 097*

*Akin Alter Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner*

*Broach Burton Champion Chrismer Cierpiot*

*Cooper Copeland Crawford Crump DeMarce*

*Dolan Donovan Dougherty Edwards-Pavia Elliott*

*Enz Evans Foley Foster Froelker*

*Gaskill Gaston Gibbons Graham 106 Green*

*Griesheimer Gross Hall Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Hohulin*

*Holand Hoppe Howerton Johnson Kasten*

*Kelley 47 Kennedy Kissell Koller Leake*

*Legan Levin Liese Linton Lograsso*

*Loudon Luetkenhaus Marble Merideth Monaco*

*Murphy Murray Naeger Nordwald O'Connor*

*O'Toole Overschmidt Patek Pouche Pryor*

*Purgason Reinhart Reynolds Richardson Ridgeway*

*Rizzo Robirds Ross Sallee Schwab*

*Scott Secrest Sheldon 104 Steen Stoll*

*Summers Surface Townley Treadway Vogel*

*Wannenmacher Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Ford Goward Gratz Hand Long*

*Mays 50 McBride Miller Parker Skaggs*

*Thompson 37 Troupe Wiggins*

*On motion of Representative Reynolds, Part II of the Substitute Motion was adopted by the following vote:*

*AYES: 089*

*Akin Alter Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner*

*Broach Burton Champion Chrismer Cierpiot*

*Cooper Crawford DeMarce Dolan Donovan*

*Edwards-Pavia Elliott Enz Evans Foley*

*Foster Froelker Gaskill Gaston Gibbons*

*Graham 106 Griesheimer Gross Hall Hartzler 123*

*Hartzler 124 Hegeman Hendrickson Hickey Hohulin*

*Holand Howerton Johnson Kasten Kelley 47*

*Kennedy Kissell Legan Levin Liese*

*Linton Lograsso Long Loudon Luetkenhaus*

*Marble Merideth Murphy Naeger Nordwald*

*O'Connor O'Toole Overschmidt Patek Pouche*

*Pryor Purgason Reinhart Reynolds Richardson*

*Ridgeway Rizzo Robirds Ross Sallee*

*Schwab Scott Secrest Sheldon 104 Shields*

*Steen Stoll Summers Surface Townley*

*Treadway Vogel Wannenmacher Wooten*

*NOES: 063*

*Auer Backer Bauer Bland Boucher*

*Bray 84 Campbell Carter Clayton Copeland*

*Crump Daniel 42 Daniels 41 Davis 63 Davis 122*

*Days Dougherty Farmer Farnen Fitzwater*

*Franklin Fritts Graham 24 Green Gunn*

*Hagan-Harrell Harlan Heckemeyer Hollingsworth Hosmer*

*Kauffman Kelly 27 Koller Kreider Lakin*

*Lawson Leake Lumpe May 108 McClelland*

*McLuckie Monaco Murray Ostmann Ransdall*

*Relford Scheve Schilling Seigfreid Shear*

*Shelton 57 Skaggs Smith Stokan Stroker*

*Tate Thomason 163 Van Zandt Wiggins Williams 121*

*Williams 159 Wilson Mr. Speaker*

*PRESENT: 000*

*ABSENT WITH LEAVE: 011*

*Ford Goward Gratz Hand Hoppe*

*Mays 50 McBride Miller Parker Thompson 37*

*Troupe*

*REFERRAL OF SENATE BILL*

*The following Senate Bill was referred to the Committee indicated:*

*HCS SB 72 - Budget (Fiscal Note)*

*COMMITTEE REPORTS*

*Committee on Miscellaneous Bills and Resolutions, Chairman Foley reporting:*

*Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred SS SCS SB 274, begs leave to report it has examined the same and recommends that it Do Pass with House Committee Amendment No. 1.*

*House Committee Amendment No. 1*

*AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 5, Section 313.657, Lines 32-33, by deleting said lines and inserting in lieu thereof the following:*

*"required to do business in Missouri. The commission shall give preference to those applicants who are members in good standing of any national equine racing association, including but not limited to, the Thoroughbred Racing Association of America."*

*Committee on Professional Registration and Licensing, Chairman Treadway reporting:*

*Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred HCS SB 320, begs leave to report it has examined the same and recommends that it Do Pass.*

*Committee on Transportation, Chairman Koller reporting:*

*Mr. Speaker: Your Committee on Transportation, to which was referred SCS SB 140, begs leave to report it has examined the same and recommends that the House Committee Substitute Do Pass.*

*MESSAGES FROM THE SENATE*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HS HCS HB 69 & 179 and HCS HB 669, entitled:*

*An act to repeal section 70.820, RSMo 1994, and section 544.157, RSMo Supp. 1996, relating to peace officers' arrest powers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.*

*With Senate Amendment No. 2, 3, 5, 8, 9*

*Senate Amendment No. 2*

*AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, and House Committee Substitute for House Bill No. 669, Page 5, Section 544.157, Line 57, by inserting immediately after all of said line the following:*

*"Section 1. All courses of action whatsoever against the members of the St. Louis board of police commissioners shall be commenced in the circuit court of the city of St. Louis."; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 3*

*AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, and House Committee Substitute for House Bill No. 669, Page 5, Section 544.167, Line 57, by inserting immediately after all of said line the following:*

*"Section 1. Any person who is elected to the office of city marshall after January 1, 1997, and has previously served as an elected city marshall for the same city for at least ten years shall not be required to satisfy the minimum training requirements pursuant to the provisions of sections 590.100 to 590.180.*

*Section B. Because of the need for elected law enforcement officials to carry out the duties of their office, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and section 1 of this act is hereby declared to be an emergency act within the meaning of the constitution, and section 1 of this act shall be in full force and effect upon its passage and approval."; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 5*

*AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, and House Committee Substitute for House Bill No. 669, Page 3, Section 70.820, Line 69, by inserting after the word "Participating" the following:*

*"A federal law enforcement officer is a person employed by the United States Government who is empowered to effect an arrest with or without a warrant for violation of the United States Code and who is authorized to carry a firearm in the performance of the person's official duties as a federal law enforcement officer."*

*Senate Amendment No. 8*

*AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, and House Committee Substitute for House Bill No. 669, Pages 3 to 5, Section 544.157, Lines 1 to 57, by striking all of said section; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 9*

*AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179, and House Committee Substitute for House Bill No. 669, Page 5, Section 544.157, Line 57, by inserting after all of said line the following:*

*"306.230. As used in sections 306.230 to 306.238, the following words shall have the meanings given:*

*(1) "Lake", any lake included in the definition of waters of the state in section 306.010, RSMo;*

*(2) "Raft", to anchor, moor, tie, bind or otherwise combine in any way so as to create a single unit; and it shall mean a combination of vessels which has been created as described in this subdivision; but it shall not include any vessel moored at a permanent, permitted dock;*

*(3) "Vessel", every motorboat and every description of motorized watercraft, excluding any watercraft powered by sail or a combination of sail and machinery.*

*306.232. 1. No person or persons shall raft together more than twelve vessels on any lake in this state.*

*2. No raft of vessels shall be located less than three hundred feet from another raft of vessels.*

*3. No person or persons shall moor, anchor, tie or otherwise position fully or partially on shore more than three vessels in a group in any cove in a lake where such waters are bordered on three sides by state park land.*

*Each such group shall maintain a minimum separation distance of one hundred feet between every other group of vessels. This subsection shall not apply to shoreline immediately adjacent to established and designated camping facilities,"; and*

*Further amend the title and enacting clause accordingly.*

*Emergency Clause Adopted.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on SB 315 as amended: Senators Staples, Lybyer, Caskey, Graves and Yeckel.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on HCS HBs 424 & 534 as amended: Senators Caskey, Mathewson, Maxwell, Klarich and Graves.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on SCS HB 816 and grants the House a conference thereon and that the conferees be allowed to exceed the difference in Section 650.325.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on HCS SB 241 as amended, and has taken up and passed CCS HCS SB 241.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SCS HCS HB 6 as amended, and has taken up and passed CCS HB 6.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SCS HCS HB 7 as amended, and has taken up and passed CCS HB 7.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SCS HCS HB 8 as amended, and has taken up and passed CCS HB 8.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SCS HCS HB 9 as amended, and has taken up and passed CCS HB 9.*

*APPOINTMENT OF CONFERENCE COMMITTEE*

*The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:*

*SCS HB 816: Representatives Williams (159), Leake, Thomason (163), Legan and Gaston.*

*CONFERENCE COMMITTEE REPORT*

*ON*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*HOUSE BILL NOS. 600 & 388*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for House Bill Nos. 600 & 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Amendment No. 1;*

*2. That House Committee Substitute for House Bill Nos. 600 & 388 as amended by Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 be Truly Agreed and Finally Passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Paula Carter /s/ Jerry Howard*

*/s/ Tim Harlan /s/ Betty Sims*

*/s/ Bill Luetkenhaus /s/ J. B. Banks*

*/s/ Mary Lou Sallee*

*/s/ Chuck Wooten*

*CONFERENCE COMMITTEE REPORT*

*ON*

*HOUSE SUBSTITUTE*

*FOR*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*SENATE COMMITTEE SUBSTITUTE*

*FOR*

*SENATE BILL NO. 16*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16, with House Amendment No. 1 and House Amendment No. 2;*

*2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 16;*

*3. That the attached Conference Committee Substitute be adopted.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Gracia Backer /s/ James Mathewson*

*/s/ Rita D. Days /s/ Sidney Johnson*

*/s/ Rodger Fitzwater /s/ Harold Caskey*

*/s/ Linda Bartelsmeyer /s/ Steve Ehlmann*

*/s/ Beth Long /s/ Betty Sims*

***CONFERENCE COMMITTEE REPORT***

***ON***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***SENATE BILL NO. 241***

***Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 241, with House Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:***

***1. That the House recede from its position on House Committee Substitute for Senate Bill No. 241, with House Amendment No. 1;***

***2. That the Senate recede from its position on Senate Bill No. 241;***

***3. That the Conference Committee Substitute for House Committee Substitute for Senate Bill No. 241 be truly agreed to and finally passed.***

***FOR THE HOUSE: FOR THE SENATE:***

***/s/ Craig Hosmer /s/ Edward Quick***

***/s/ Mike Schilling /s/ James Mathewson***

***Louis Ford /s/ William P. McKenna***

***/s/ Jon Dolan /s/ Roseann Bentley***

***/s/ Chuck Wooten /s/ Larry Rohrbach***

***CONFERENCE COMMITTEE REPORT***

***ON***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE BILL NOS. 424 & 534***

***Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for House Bill Nos. 424 & 534, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:***

***1. That the Senate recede from its position on Senate Amendment No. 1 and the emergency clause;***

***2. That House Committee Substitute for House Bill Nos. 424 & 534 with Senate Committee Amendment No. 1 and Senate Committee Amendment No. 2 be Truly Agreed and Finally Passed.***

***FOR THE HOUSE: FOR THE SENATE:***

***/s/ Wayne Crump /s/ Harold Caskey***

***/s/ Jerry McBride /s/ James Mathewson***

***/s/ Bill Ransdall /s/ Sam Graves***

***/s/ Charles Ballard /s/ David Klarich***

*/s/ Beth Long /s/ Joe Maxwell*

*MESSAGE FROM THE GOVERNOR*

*EXECUTIVE OFFICE*

*State of Missouri*

*TO THE CHIEF CLERK OF THE*

*HOUSE OF REPRESENTATIVES*

*FIRST REGULAR SESSION*

*89TH GENERAL ASSEMBLY*

*STATE OF MISSOURI*

*Herewith I return to you House Bill No. 734 entitled:*

*"AN ACT"*

*To repeal section 115.121, RSMo 1994, relating to general and primary elections, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.*

*On May 8, 1997, I approved said House Bill No. 734.*

*Respectfully submitted*

*/s/ Mel Carnahan*

*Governor*

*ADJOURNMENT*

*On motion of Representative Backer, the House adjourned until 8:30 a.m., Friday, April 9, 1997.*

*CORRECTIONS TO THE HOUSE JOURNAL*

*Correct House Journal, Sixty-seventh Day, Wednesday, May 7, 1997, page 1614, Line 8, by deleting the name "Thompson" and inserting in lieu thereof the name "Thomason".*

*Page 1605, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".*

*Pages 1605 and 1606, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".*

*Pages 1607 and 1608, roll call, by showing Representatives Champion, Froelker, Kelly (27) and Hosmer voting "aye" rather than "absent with leave".*

*Page 1608, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".*

*Pages 1609 and 1610, roll call, by showing Representative Berkstresser voting "aye" rather than "absent with leave".*

***Pages 1610 and 1611, roll call, by showing Representatives Sallee, Berkstresser, Gaston, Barry and Williams (121) voting "aye" rather than "absent with leave".***

***Pages 1611 and 1612, roll call, by showing Representatives Scheve, Gaston, Reynolds and Fritts voting "aye" rather than "absent with leave".***

***Pages 1612 and 1613, roll call, by showing Representative Williams (121) voting "aye" rather than "absent with leave".***

***Page 1613, roll call, by showing Representatives Scheve and Barry voting "aye" rather than "absent with leave".***

***Page 1613, roll call, by showing Representative Patek voting "no" rather than "absent with leave".***

***Pages 1615 and 1616, roll call, by showing Representatives Dolan, Chrismer and Scheve voting "aye" rather than "absent with leave".***

***Pages 1615 and 1616, roll call, by showing Representative May (108) voting "no" rather than "absent with leave".***

***Pages 1618 and 1619, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".***

***Pages 1618 and 1619, roll call, by showing Representatives Bonner, Berkstresser, Kelly (27) and Purgason voting "present" rather than "absent with leave".***

***Page 1623, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".***

***Page 1625, roll call, by showing Representative Surface voting "no" rather than "absent with leave".***

***Page 1626, roll call, by showing Representative Gibbons voting "aye" rather than "absent with leave".***

***Page 1627, roll call, by showing Representative Crawford voting "aye" rather than "no".***

***Page 1628, roll call, by showing Representatives Davis (122) and Murphy voting "aye" rather than "absent with leave".***

***Page 1629, roll call, by showing Representatives Gratz, Scheve, Robirds and Murphy voting "aye" rather than "absent with leave".***

***Page 1630, roll call, by showing Representatives Long and Murphy voting "aye" rather than "absent with leave".***

***Page 1630, roll call, by showing Representative Reynolds voting "aye" rather than "no".***

***Page 1631, roll call, by showing Representatives Gratz, Davis (63), Merideth and Murphy voting "aye" rather than "absent with leave".***

***Pages 1636 and 1637, roll call, by showing Representatives Davis (63), Murphy, Bartelsmeyer, Lakin, Patek and Gratz voting "aye" rather than "absent with leave".***

***Pages 1638 and 1639, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".***

***Page 1639, roll call, by showing Representative Murphy voting "aye" rather than "absent with leave".***

*Page 1639, roll call, by showing Representative Berkstresser voting "no" rather than "absent with leave".*

*Page 1642, roll call, by showing Representatives Thomason (163) and Murphy voting "aye" rather than "absent with leave".*

*COMMITTEE MEETINGS*

*ACCOUNTS, OPERATIONS, AND FINANCE*

*Tuesday, May 13, 1997, 9:00 am. Hearing Room 7.*

*BUDGET*

*Thursday, May 8, 1997. Hearing Room 9 upon afternoon adjournment.*

*Executive session on previously heard bills. CANCELLED*

*BUDGET*

*Friday, May 9, 1997, 8:30 am. Hearing Room 9. Executive session on previously heard bills. CANCELLED*

*BUDGET*

*Friday, May 9, 1997. Hearing Room 9 upon noon adjournment. Executive session on previously heard bills.*

*EDUCATION - ELEMENTARY AND SECONDARY*

*Thursday, May 8, 1997. Hearing Room 8 upon morning adjournment.*

*To be considered - Executive Session - SB 168*

*JOINT COMMITTEE ON CAPITAL IMPROVEMENTS*

*Monday, May 12, 1997, 10:30 am. Hearing Room 7. Review of Capitol and Capital complex enhanced security.*

*JOINT COMMITTEE ON LEGISLATIVE RESEARCH*

*Thursday, May 8, 1997, 8:30 am. Hearing Room 7. Contested fiscal note.*

*To be considered - SB 202, HB 811*

*MISCELLANEOUS BILLS AND RESOLUTIONS*

*Thursday, May 8, 1997. Side gallery upon morning adjournment.Executive session.*

*CORRECTED NOTICE*

*To be considered - SB 274*

*HOUSE CALENDAR*

*SIXTY-NINTH DAY, FRIDAY, MAY 9, 1997*

*HOUSE BILLS FOR PERFECTION*

*1 HCS HB 595 - Koller*

*2 HB 57, as amended, HA 3, pending, - Shear*

*3 HB 267 - Overschmidt*

*4 HCS HB 724 - Riback Wilson*

*5 HB 108 - Scheve*

*6 HB 423, HCA 1 - Backer*

*7 HB 848 - DeMarce*

*8 HCS HB 511 - Graham (24)*

*9 HB 497, HCA 1 - Naeger*

*10 HB 106 - Bland*

*11 HB 753 - Broach*

*12 HB 47 - Bland*

*HOUSE BILLS FOR PERFECTION - INFORMAL*

*1 HB 570, as amended - Stoll*

*2 HCS HB 155, 81 & 171 - Farmer*

*3 HCS HB 426, 576 & 567 - Luetkenhaus*

*4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo*

*5 HCS HB 396 - Hosmer*

*6 HCS HB 748 & 605 - McLuckie*

*7 HCS HB 146 - Scheve*

*8 HCS HB 436 & 260 - Treadway*

*9 HS HCS HB 349, as amended, HS, adopted, pending - Koller*

*10 HCS HB 723, 789 & 372, as amended, - Dougherty*

*HOUSE BILLS FOR THIRD READING*

*HB 135, (Budget Fiscal 4-30-97) - Dougherty*

*HCS HB 582, (Budget Fiscal 4-30-97) - Schilling*

*HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long*

*HOUSE BILLS FOR THIRD READING - INFORMAL*

*HB 215 - Dougherty*

*HS HCS HB 282 - Kissell*

*SENATE BILLS FOR THIRD READING*

*1 HCS SS SB 121, Part I HS,a.a. adopted, Part II HS, a. a. pending - Williams (121)*

*2 HCS SCS SB 89 - Legan*

*3 HCS SS#2 SCS SB 202, 23 & 183, E.C.(Budget Fiscal 5-5-97) - Gunn*

*4 HCS SS SB 11 - Leake*

*5 SB 449, HCA 1 - Harlan*

*6 HCS SS SCS SB 165, (Budget Fiscal 5-6-97) - Rizzo*

*7 SB 67, HCA 1 - Steen*

*8 HCS SS SB 248, E.C. - May (108)*

*9 HCS SB 21, E.C. - Hoppe*

*10 HCS SS SB 361, E.C. - Dougherty*

*11 SB 128 - Liese*

*12 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty*

*13 SCS SB 49,213,130,32,235 & 221, HCAs 1, 2, 3, 4, (Budget Fiscal 5-5-97) - Crump*

*14 SB 358, HCAs 1, 2, 3, - Gratz*

*15 HCS SS SB 208, (Budget Fiscal 5-6-97) - Scheve*

*16 HCS SCS SB 79 - Thomason (163)*

*17 HCS SB 320 - McBride*

*18 HCS SCS SB 140 - Koller*

*19 SS SCS SB 274, HCA 1 - Crump*

*20 HCS SS SCS SB 386 & 372, E.C. - Smith*

*21 HCS SCS SB 457 & 458 - Clayton*

*22 SB 216, HCA 1 - Boatright*

*23 SCS SB 319, HCA 1 - Carter*

*24 HCS SS SCS SB 345 - Treadway*

*25 SB 171 - May (108)*

*26 SCS SB 258 & 228 - Rizzo*

*27 SB 187, HCAs 1 and 2 - Sallee*

*28 HCS SB 72, (Budget Fiscal 5-8-97) - Wiggins*

*29 SS SB 275 - O'Connor*

*30 HCS SS SCS SB 327, E.C. - Lakin/Richardson*

*31 HCS SS SB 466 - Shelton (57)*

*HOUSE BILLS WITH SENATE AMENDMENTS*

*1 HCR 28, SCA 1 - Cooper*

*2 HCS HJR 9, SSA 1 for SA 1 - Lumpe*

*3 SS HB 791 - Stoll*

*4 SCS HS HB 390, as amended, - Hoppe*

*5 HCS HB 459, SAs 1, 2 - Shelton (57)*

*6 HB 129, SCA 1 and SA 1 - Shear*

*7 SCS HS HCS HB 69 & 179 & HCS HB 669, E.C., as amended, - Hosmer/Stroker*

*BILLS CARRYING REQUEST MESSAGES*

*SB 262, HCA 1 (Req. House recede/pass bill) - Treadway*

*SCS HCS HB 10, (Req. Sen grant House further conf/with substitute motion) - Carter*

*BILLS IN CONFERENCE*

*1 CCR SCS HCS HB 11 - Lakin*

*2 CCR SCS HCS HB 12, as amended, - Green/Franklin*

*3 HCS#2 SB 161 - Kelly (27)*

*4 HCS SCS SB 316 - Hoppe*

*5 CCR HCS SB 387, E.C. - Smith*

*6 CCR SCS HB 655, as amended, E.C. - May (108)*

*7 CCR HS HCS SCS SB 16, as amended - Backer*

*8 CCR HCS SCS SB 56, as amended - May (108)*

*9 SS SCS HB 491, as amended, - Gaw*

*10 HS HCS SB 218 - Crump*

*11 HCS SB 132, as amended, - Days*

*12 CCR HCS SB 241, as amended, - Hosmer*

*13 CCR HCS HB 600 & 388, as amended, E.C. - Carter*

*14 HCS SB 347, as amended, - Hosmer*

*15 HS HCS SB 142, as amended, - May (108)*

*16 SB 315, as amended, - Koller*

*17 CCR HCS HB 424 & 534, as amended, - Crump*

*18 SCS HB 394 - Loudon*

*19 SCS HB 816 - Williams (159)*

*SENATE CONCURRENT RESOLUTION*

*SCR 21, (4-10-97, pgs. 1033 & 1034) -*

*HOUSE RESOLUTIONS*

*HR 725, (4-30-95, pg. 1458) - Gratz*

*HR 621, HCA 1 (5-7-97) - Murray*

*HR 995, (5-6-97, pg. 1598) - Kennedy*

*HCS HR 548, (4-29-97, pgs 1409) - Dougherty*

*COURTESY RESOLUTIONS*

*HR 1000 - Kreider*

*HR 1001 and 1002 - Naeger*

*HR 1003 - Holand*

*HR 1004 through 1007 - Hartzler (123)*

*HR 1008 - Campbell*

*HR 1009 - Graham (106)*

*HR 1010 - Copeland*

*HR 1011 - Richardson*

*HR 1012 - Boucher*

*HR 1013 - Ridgeway*

*HR 1014 - Williams (121)*

*HR 1015 through 1017 - Cierpiot*

*HR 1018 - Holand*

*HR 1019 - Overschmidt*

*HR 1020 - Ross*

***HR 1021 - Scott***

***HR 1022 - McClelland***

***HR 1023 - Backer***

***HR 1024 - Griesheimer***

***HR 1025 - McClelland***

***HR 1026 through 1028 - Boucher***

***HR 1029 - Kreider***

***HR 1030 - DeMarce***

***HR 1031 - Gaw***

***HR 1032 - Hartzler (124)***

***HR 1033 through 1035 - Patek***

***HR 1036 - Hartzler (124)***

***HR 1037 - Days***

***HR 1038 through 1041 - Relford***

***HR 1042 through 1057 - Murphy***

***HR 1058 and 1059 - Ransdall***

***HR 1060 through 1064 - Hartzler (123)***

***HR 1065 - Reinhart***

***HR 1066 through 1068 - Auer***

***HR 1069 - May (108)***

***HR 1070 - Cierpiot***

***HR 1071 - Williams (121)***

***HR 1072 - Summers***

***HR 1073 through 1087 - Levin***

***HR 1088 and 1089 - Liese***

***HR 1090 through 1105 - Levin***

***HR 1106 - Stroker***

***HR 1107 and 1108 - Hartzler (124)***

***HR 1109 and 1110 - Hagan-Harrell***

***HR 1111 - Kreider***

***HR 1112 - Auer***

***HR 1113 - DeMarce***

***HR 1114 - Backer***

***HR 1115 - Kennedy***

***HR 1116 through 1118 - Marble***

***HR 1119 - Murray***

***HR 1120 - Graham (24)***

***HR 1121 - Monaco***

***HR 1122 - Heckemeyer***

***HR 1123 - Hartzler (124)***

***HR 1124 through 1127 - Clayton***

***HR 1128 through 1134 - Cierpiot***

***HR 1135 and 1136 - Graham (24)***

***HR 1137 - Scheve***

***HR 1138 - Harlan***

***HR 1139 - Bartelsmeyer***

***HR 1140 - Enz***

***HR 1141 - Kreider***

***HR 1142 and 1143 - Thomason (163)***

***HR 1144 - Cooper***

***HR 1145 - Surface***

***HR 1146 through 1163 - Long***

***HR 1164 - Backer***

***HR 1165 and 1166 - Reynolds***

***HR 1168 through 1171 - Cierpiot***

***HR 1172 - Reinhart***

***HR 1173 and 1174 - Gaw***

***HR 1175 - Williams (159)***

***HR 1176 and 1177 - Hartzler (123)***

***HR 1178 - Green***

***HR 1179 - Backer***

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# House Journal

## First Regular Session, 89th General Assembly

SIXTY-NINTH DAY, Friday, May 9, 1997

Speaker Gaw in the Chair.

Prayer by Larry Walker, Sergeant-at-Arms.

Dear Lord let us pause to thank you for this beautiful day, also let us thank you for the many blessings you share with us.

As we approach this very difficult day and issues, please give each of us wisdom, patience and understanding.

Help us to be considerate of each other and to respect each other.

Be with those that are in need of your healing hand.

In your name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Joshua Helms, Tiffany Salts, Matthew Scruggs, Jennifer Bridges, Sharon Beauchamp, Rebecca Tillott, Kevin Rehrer, James Stotler, Chris Mitchell, John Burns, Stephanie Fairchild, Shana Peterson, Alison Stephens, Andrea Stephens, April Testman, Megan Testman and Mike Testman.

The Journal of the sixty-eighth day was approved as corrected.

**RESOLUTIONS**

Representative Levin offered House Resolution No. 1180, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Farnen offered House Resolution No. 1181, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foley offered House Resolution No. 1182, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution Nos. 1183 through 1188, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Green offered House Resolution No. 1189, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Mays (50) offered House Resolution No. 1190, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hickey offered House Resolution No. 1191, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Liese offered House Resolution No. 1192, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hickey offered House Resolution No. 1193, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Patek offered House Resolution No. 1194, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution No. 1195, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution Nos. 1196 through 1210, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 1000** through **1166** and **1168** through **1177**, begs leave to report it has examined the same and recommends that they **Do Pass**.

**COURTESY RESOLUTIONS**

House Resolution Nos. 1000 through 1166 and 1168 through 1177 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 1000 through 1166 and 1168 through 1177 were adopted.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SS HB 711, HB 722** and **SCS HB 802**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 339**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SCS SB 140** - Budget (Fiscal Note)

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HCR 28, with Senate Committee Amendment No. 1**, relating to Amtrak, was taken up by Representative Cooper.

On motion of Representative Cooper, the House concurred in Senate Committee Amendment No. 1.

On motion of Representative Cooper, **HCR 28, as amended,** was adopted.

**HCS HJR 9, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1**, relating to limitations on school district tax rates, was taken up by Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Substitute Amendment No. 1 for Senate Amendment No. 1 by the following vote:

AYES: 119

Auer Backer Barnett 4 Barry 100 Bauer

Bennett 15 Boucher Bray 84 Broach Burton

Campbell Carter Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Farnen Fitzwater Foley Ford

Franklin Fritts Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Liese Long Luetkenhaus

Lumpe May 108 Mays 50 McClelland McLuckie

Merideth Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Relford

Reynolds Ross Scheve Schilling Schwab

Seigfreid Shear Shelton 57 Shields Skaggs

Smith Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 036

Akin Alter Ballard Bartelsmeyer Berkstresser

Boatright Bonner Champion Evans Foster

Froelker Gaskill Gaston Hall Hohulin

Howerton Kelley 47 Legan Levin Linton

Lograsso Loudon Marble Miller Murphy

Purgason Reinhart Richardson Ridgeway Rizzo

Robirds Sallee Scott Secrest Sheldon 104

Steen

PRESENT: 000

ABSENT WITH LEAVE: 008

Bland Farmer Goward Green Hand

McBride Thompson 37 Townley

On motion of Representative Lumpe, **HCS HJR 9, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 110

Auer Backer Barnett 4 Barry 100 Bennett 15

Bland Boucher Bray 84 Campbell Carter

Chrismer Cierpiot Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Enz Farnen Fitzwater Foley Ford

Franklin Fritts Gibbons Graham 24 Graham 106

Griesheimer Gross Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Liese Long Luetkenhaus Lumpe

May 108 Mays 50 McClelland McLuckie Merideth

Monaco Murray O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Ransdall

Reinhart Relford Reynolds Ross Scheve

Schilling Schwab Seigfreid Shear Shelton 57

Shields Skaggs Smith Stokan Stoll

Stroker Summers Tate Thomason 163 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 045

Akin Alter Ballard Bartelsmeyer Berkstresser

Boatright Bonner Broach Burton Champion

Crawford Edwards-Pavia Elliott Evans Foster

Froelker Gaskill Gaston Gratz Hall

Hartzler 124 Hohulin Howerton Legan Levin

Linton Lograsso Loudon Marble Miller

Murphy Naeger Nordwald Pryor Purgason

Richardson Ridgeway Rizzo Robirds Sallee

Scott Secrest Sheldon 104 Steen Surface

PRESENT: 000

ABSENT WITH LEAVE: 008

Bauer Farmer Goward Green Hand

McBride Thompson 37 Townley

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**SCS HS HB 390, as amended**, relating to ambulance services, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to adopt **SCS HS HB 390, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HCS HB 459, with Senate Amendment Nos. 1 and 2**, relating to motor vehicle fee offices, was taken up by Representative Shelton (57).

On motion of Representative Shelton (57), the House concurred in Senate Amendment Nos. 1 and 2 by the following vote:

AYES: 093

Auer Backer Barnett 4 Barry 100 Bauer

Boucher Bray 84 Campbell Carter Clayton
Cooper Copeland Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Dougherty Farmer Farnen Fitzwater Ford
Franklin Fritts Gibbons Graham 24 Gratz
Griesheimer Gunn Hagan-Harrell Harlan Hartzler 123
Heckemeyer Hickey Hollingsworth Hosmer Johnson
Kauffman Kelly 27 Kennedy Koller Kreider
Lakin Lawson Leake Legan Liese
Long Luetkenhaus Lumpe May 108 Mays 50
McClelland McLuckie Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Overschmidt
Parker Ransdall Relford Reynolds Rizzo
Robirds Scheve Schilling Seigfreid Shear
Sheldon 104 Shelton 57 Skaggs Smith Stokan
Stoll Stroker Summers Tate Thomason 163
Treadway Troupe Van Zandt Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 061

Akin Alter Ballard Bartelsmeyer Bennett 15
Berkstresser Boatright Bonner Broach Champion
Chrismer Cierpiot Crawford Donovan Edwards-Pavia
Elliott Enz Evans Foster Froelker
Gaskill Gaston Graham 106 Green Gross
Hall Hartzler 124 Hegeman Hendrickson Hohulin
Holand Hoppe Howerton Kasten Kelley 47
Levin Linton Lograsso Loudon Marble
Merideth Murphy Ostmann Patek Pouche
Pryor Purgason Reinhart Richardson Ridgeway
Ross Sallee Schwab Scott Secrest
Shields Steen Surface Vogel Wannenmacher
Wooten

PRESENT: 000

ABSENT WITH LEAVE: 009

Bland Burton Foley Goward Hand
Kissell McBride Thompson 37 Townley

On motion of Representative Shelton (57), **HCS HB 459, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 097

Auer Backer Barnett 4 Barry 100 Bauer

Boucher Campbell Carter Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Farmer Farnen Fitzwater Foley Ford

Franklin Fritts Froelker Gibbons Graham 24

Gratz Griesheimer Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hickey Hollingsworth Hosmer

Johnson Kauffman Kelly 27 Kennedy Koller

Kreider Lakin Lawson Leake Legan

Liese Long Luetkenhaus Lumpe May 108

Mays 50 McClelland McLuckie Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Ransdall Relford

Reynolds Rizzo Robirds Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Summers

Tate Thomason 163 Treadway Troupe Van Zandt

Vogel Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 059

Akin Alter Ballard Bartelsmeyer Bennett 15

Berkstresser Boatright Bonner Broach Burton

Champion Chrismer Cierpiot Crawford Donovan

Edwards-Pavia Elliott Enz Evans Foster

Gaskill Gaston Graham 106 Green Gross

Hall Hartzler 124 Hegeman Hendrickson Hohulin

Holand Hoppe Howerton Kasten Kelley 47

Kissell Levin Linton Lograsso Loudon

Marble Merideth Murphy Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Ross Sallee Schwab Scott Secrest

Shields Steen Surface Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 007

Bland Bray 84 Goward Hand McBride

Thompson 37 Townley

Speaker Gaw declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Daniel (42) moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**HB 129, with Senate Committee Amendment No. 1 and Senate Amendment No. 1**, relating to post-mastectomy coverage, was taken up by Representative Shear.

On motion of Representative Shear, the House concurred in Senate Committee Amendment No. 1 and Senate Amendment No. 1 by the following vote:

AYES: 150

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Treadway Troupe Van Zandt Vogel

Wannenmacher Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Hohulin Loudon Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Auer Burton Goward Hand McBride

Murphy Richardson Thompson 37 Wiggins Williams 121

On motion of Representative Shear, **HB 129, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 147

Alter Backer Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Dougherty Edwards-Pavia Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 007

Akin Crawford Elliott Hohulin Loudon

Patek Townley

PRESENT: 001

Auer

ABSENT WITH LEAVE: 008

Donovan Goward Hand Kelly 27 Linton

McBride Overschmidt Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Johnson, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Bray moved that motion lay on the table.

The latter motion prevailed.

**SS HB 791**, relating to publication of legal notices, was taken up by Representative Stoll.

Representative Stoll moved that the House refuse to adopt **SS HB 791** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**BILLS IN CONFERENCE**

**CCR SCS HB 655, as amended**, relating to limited liability companies, was taken up by Representative May (108).

On motion of Representative May (108), **CCR SCS HB 655, as amended,** was adopted by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Gross

PRESENT: 000

ABSENT WITH LEAVE: 007

Champion Evans Goward Hand McBride

Steen Thompson 37

On motion of Representative May (108), **CCS SCS HB 655** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Bartelsmeyer Berkstresser Evans

PRESENT: 000

ABSENT WITH LEAVE: 010

Goward Hand Harlan Hollingsworth McBride

Relford Reynolds Ridgeway Thompson 37 Wiggins

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Cierpiot Clayton Cooper Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 009

Chrismer Edwards-Pavia Gross Hohulin Lograsso

Murphy Richardson Ridgeway Steen

PRESENT: 000

ABSENT WITH LEAVE: 005

Copeland Goward Hand McBride Thompson 37

On motion of Representative Riback Wilson, title to the bill was agreed to.

Representative Van Zandt moved that the vote by which the bill passed be reconsidered.

Representative Troupe moved that motion lay on the table.

The latter motion prevailed.

**CCR HCS SCS SB 56, as amended**, relating to court procedure, was taken up by Representative May (108).

On motion of Representative May (108), **CCR HCS SCS SB 56, as amended,** was adopted by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Howerton Johnson Kasten Kauffman

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Goward Green Hand Hosmer

Kelley 47 McBride Shear Thompson 37 Wiggins

On motion of Representative May (108), **CCS HCS SCS SB 56** was truly agreed to and finally passed by the following vote:

AYES: 158

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Daniels 41 DeMarce Goward Hand McBride

Speaker Gaw declared the bill passed.

On motion of Representative Farnen, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Reynolds moved that motion lay on the table.

The latter motion prevailed.

**CCR HCS SB 241, as amended**, relating to county government, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **CCR HCS SB 241, as amended,** was adopted by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Loudon
Luetkenhaus Marble May 108 Mays 50 McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 011

Dougherty Goward Gratz Hand Koller

Long Lumpe McBride Sallee Thompson 37

Wooten

On motion of Representative Hosmer, **CCS HCS SB 241** was truly agreed to and finally passed by the following vote:

AYES: 145

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Gibbons

Graham 24 Graham 106 Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Kreider Lakin

Lawson Leake Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pryor Purgason Ransdall Reinhart

Relford Reynolds Ridgeway Rizzo Robirds

Ross Scheve Schwab Scott Secrest

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 002

Froelker Murphy

PRESENT: 000

ABSENT WITH LEAVE: 016

Bonner Days Goward Gratz Hand

Koller Legan Marble McBride Pouche

Richardson Sallee Schilling Seigfreid Thompson 37

Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Johnson moved that motion lay on the table.

The latter motion prevailed.

**CCR HCS HBs 600 and 388, as amended**, relating to health insurance coverage, was taken up by Representative Carter.

On motion of Representative Carter, **CCR HCS HBs 600 and 388, as amended**, was adopted by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Kreider Lakin Lawson

Leake Levin Liese Linton Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 003

Crawford Lograsso Townley

PRESENT: 000

ABSENT WITH LEAVE: 012

Crump Farmer Goward Hall Hand

Kelly 27 Koller Legan McBride Naeger

Reinhart Wooten

On motion of Representative Carter, **HCS HBs 600 and 388, as amended,** was read the third time and passed by the following vote:

AYES: 146

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Cierpiot Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 010

Akin Chrismer Crawford Edwards-Pavia Gaston

Hohulin Howerton Lograsso Patek Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Farmer Goward Gross Hand McBride

Thompson 37 Wooten

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Auer Backer Ballard Barnett 4 Barry 100

Bauer Bennett 15 Berkstresser Bland Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Clayton Cooper
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Dougherty
Elliott Enz Evans Farnen Fitzwater
Foley Ford Franklin Fritts Gaskill
Gibbons Graham 24 Graham 106 Gratz Griesheimer
Gross Gunn Hagan-Harrell Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Long Luetkenhaus Lumpe Marble
May 108 Mays 50 McLuckie Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Pryor
Ransdall Reinhart Relford Reynolds Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 021

Akin Alter Bartelsmeyer Chrismer Cierpiot
Crawford Edwards-Pavia Foster Froelker Gaston
Hall Hohulin Lograsso Loudon Merideth
Patek Pouche Purgason Richardson Ridgeway
Townley

PRESENT: 000

ABSENT WITH LEAVE: 009

Donovan Farmer Goward Green Hand
McBride McClelland Thompson 37 Wooten

On motion of Representative Stroker, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Rizzo moved that motion lay on the table.

The latter motion prevailed.

**CCR HCS HBs 424 and 534, as amended**, relating to department of conservation, was taken up by Representative Crump.

On motion of Representative Crump, **CCR HCS HBs 424 and 534, as amended,** was adopted by the following vote:

AYES: 126

Alter Auer Backer Ballard Barnett 4

Barry 100 Bauer Bennett 15 Berkstresser Bland

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Farnen Fitzwater Foley

Ford Franklin Fritts Froelker Gaskill

Graham 24 Graham 106 Gratz Green Griesheimer

Gunn Hagan-Harrell Hartzler 123 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus

Lumpe May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murphy Murray

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Relford

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 027

Akin Bartelsmeyer Boatright Chrismer Cierpiot

Crawford Edwards-Pavia Enz Evans Foster

Gaston Gibbons Gross Hall Hartzler 124

Hendrickson Hohulin Levin Linton Lograsso

Loudon Marble Naeger Nordwald Patek

Ridgeway Townley

PRESENT: 000

ABSENT WITH LEAVE: 010

Farmer Goward Hand Harlan Kelly 27

Kennedy McBride Reinhart Shields Wooten

On motion of Representative Crump, **HCS HBs 424 and 534, as amended,** was read the third time and passed by the following vote:

AYES: 119

Alter Auer Ballard Barnett 4 Barry 100

Bauer Berkstresser Bland Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Farnen Fitzwater Foley Ford Franklin

Fritts Gaskill Graham 24 Gratz Green

Griesheimer Gunn Hagan-Harrell Hartzler 123 Heckemeyer

Hegeman Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Legan Liese Long

Loudon Luetkenhaus Lumpe May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Murray O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Ransdall

Relford Rizzo Robirds Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Thompson 37 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 032

Akin Bartelsmeyer Boatright Chrismer Cierpiot

Crawford Edwards-Pavia Enz Evans Foster

Froelker Gaston Gibbons Graham 106 Gross

Hall Hartzler 124 Hendrickson Hohulin Levin

Linton Lograsso Marble Naeger Nordwald

Patek Purgason Reinhart Richardson Ridgeway

Sallee Townley

PRESENT: 000

ABSENT WITH LEAVE: 012

Backer Bennett 15 Farmer Goward Hand

Harlan Kelly 27 Leake McBride Reynolds

Ross Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 13**, entitled:

An act to appropriate money for real property leases, related service, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1997, and ending June 30, 1998.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 13, Page 3, Section 13.020, Line 2, by deleting on said line "General Revenue" and inserting in lieu thereof the following:

"General Revenue Fund", and

further amend said bill, Page 3, Section 13.025, Line 7, by deleting on said line "General Revenue Fund" and inserting in lieu thereof the following:

"From Office of Administration Revolving Administrative Trust Fund", and

further amend said bill, Page 4, Section 13.040, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"For the payment of real property leases, related services, utilities, and"; and

further amend said bill, Page 5, Section 13.045, Line 7, by deleting on said line "General Revenue" and inserting in lieu thereof the following:

"General Revenue Fund"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 25**.

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the health care industry has evolved into a new era of managed care, provider networks, delivery of services and outpatient sources; and

WHEREAS, the Missouri General Assembly has an inherent duty to the citizens of this great state to assure those same citizens with quality health care, including mental health care at affordable prices; and

WHEREAS, the mental health delivery system is affected by the same changes and stresses characteristic of the health care industry; and

WHEREAS, an in-depth study must be made to determine the necessary improvements needed to provide such quality mental health care to Missouri's citizens:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby establish the "Interim Mental Health Insurance Availability Committee" to be composed of thirteen members. The members shall consist of two state senators appointed by the President Pro Tem of the Senate representing each political party, two state representatives appointed by the Speaker of the House representing each of the major political parties, the Director of the Department of Mental Health or his designee, the Executive Director of the Missouri Consolidated Health Care Plan or his designee, and a member of the Mental Health Commission; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate and the Speaker of the House of Representatives shall also each appoint three individuals that will represent business and other purchasers of insurance; health insurers; consumers of mental health and substance abuse care; substance abuse treatment programs or providers of substance abuse treatment programs; and providers of mental health; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of health insurance coverage of mental illnesses and disorders and substance abuse care. The study shall include, but not be limited to, an analysis of the current availability and adequacy of such mental health care and its insurance coverage in Missouri, a review of coverage provided for such health care in other states, an analysis of actuarial and other data related to the cost of various models of insurance coverage of such health care, and recommendations that would lead to improved insurance coverage for such health care, and that such committee be authorized to function from October 1, 1997 to January 5, 1999; and

BE IT FURTHER RESOLVED, that the Speaker Pro Tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by September 1, 1997, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED, that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 5, 1998 and January 5, 1999; and

BE IT FURTHER RESOLVED, that the staff of Senate Research and House Research and the Committee on Legislative Research, shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses of each staff shall be paid from the contingency fund of their respective departments; and

BE IT FURTHER RESOLVED, that the Department of Mental Health shall be responsible for paying out of funds appropriated for such purposes the costs of any outside contractors necessary for the committee to complete its study and shall reimburse the members of the committee for necessary expenses in carrying out their duties; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Director of the Department of Mental Health.

In which the concurrence of the House is respectfully requested.

**HOUSE BILL WITH SENATE AMENDMENT**

**SCS HS HCS HBs 69 and 179 and HCS HB 669, as amended**, relating to law enforcement arrest powers, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuse to adopt **SCS HS HCS HBs 69 and 179 and HCS HB 669, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 15**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1997, and ending June 30, 1999.

With Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1

*Senate Substitute Amendment No. 1*

*For*

*Senate Committee Amendment No. 1*

AMEND House Bill No. 15, Page 32, Section 15.222, by inserting immediately after said section the following:

"Section 15.224. To the Department of Natural Resources

For the Division of Environmental Quality

For the purchase of land, building of facilities, and the purchase of the equipment necessary to implement the motor vehicle emissions inspection program; provided, however, that funds appropriated herein shall be administered under the oversight of a committee composed of three members of the House of Representatives appointed by the Speaker with no more than two members from any party, three members of the Senate appointed by the President Pro Tem with no more than two members from any party and the Director of the Department of Natural Resources or his designee

Representing expenditures originally authorized under the provisions of House Bill Section 1023.116, an Act of the 87th General Assembly, Second Regular Session and most recently authorized under the provisions of House Bill Section 15.292, an Act of the 88th General Assembly, First Regular Session

From Federal and Other Funds $1E"; and

Further amend said bill, page 47, section 15.330, by deleting said section in its entirety; and

Further amend said bill, page 75, section 15.490, by inserting immediately after said section the following:

"Section 15.492. To the Department of Natural Resources

For the Division of Environmental Quality

For the purpose of funding a motor vehicle emissions program provided, however, that funds appropriated herein shall be administered under the oversight of a committee composed of three members of the House of Representatives appointed by the Speaker with no more than two members from any party, three members of the Senate appointed by the President Pro Tem with no more than two members from any party and the Director of the Department of Natural Resources or his designee

Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill Section 1006.322, an Act of the 88th General Assembly, Second Regular Session

From Missouri Air Pollution Control Fund, Federal Funds, and Other Funds,

excluding General Revenue $388,000";

And further amend said bill, page 14, section 15.100, line 5, by deleting the number "5,153,059" and inserting in lieu thereof the number "453,059"; and further amend said section line 12, by deleting the number "7,740,781" and inserting in lieu thereof the number "3,040,781".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 16**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 17**, entitled:

An act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification and renovation of facility components, equipment or systems, and to transfer money among certain funds.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 17, Page 4, Section 17.065, Line 5, by deleting the number "830,386" and inserting in lieu thereof the number "481,647"; and

Further amend said bill, page 8, section 17.200 by deleting said section in its entirety and inserting in lieu thereof the following:

"Section 17.200. There is transferred out of the State Treasury, chargeable to the funds shown below,

the following amounts to the General Revenue Fund

From Federal Funds $44,502

From Child Support Enforcement Collections Fund 6,849

From General Revenue Reimbursement Fund 5,411

From Compulsive Gamblers Fund 288

From Nursing Facility Quality of Care Fund 1,145

From Division of Tourism Supplemental Revenue Fund 5,223

From Health Initiatives Fund 3,652

From Animal Care Reserve Fund 357

From Division of Aging Elderly Home Delivered Meals Trust Fund 45

From Commodity Council Merchandising Fund 68

From Single Purpose Animal Facilities Loan Program Fund 431

From Federal Surplus Property Fund 230

From Natural Resources Revolving Services Fund 251

From Department of Natural Resources Cost Allocation Fund 16,934

From Office of Administration Revolving Administrative Trust Fund 21,003

From Department of Social Services Administrative Trust Fund 103

From Department of Economic Development Administrative Fund 4,032

From Division of Finance Fund 8,742

From Department of Insurance Dedicated Fund 23,939

From Natural Resources Protection Fund-Water Pollution Permit Fee Subaccount 6,440

From Solid Waste Management Fund-Scrap Tire Subaccount 1,209

From Solid Waste Management Fund 2,850

From Metallic Minerals Waste Management Fund 208

From Manufactured Housing Fund 1,276

From Natural Resources Protection Fund-Air Pollution Asbestos Fee Subaccount 468

From Underground Storage Tank Insurance Fund 2,543

From Underground Storage Tank Regulation Program Fund 486

From Motor Vehicle Commission Fund 215

From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount 8,458

From Public Service Commission Fund 41,877

From Conservation Commission Fund 2,025

From Parks Sales Tax Fund 51

From Soil and Water Sales Tax Fund 6,015

From Department of Revenue Information Fund 1,855

From State Highways and Transportation Department Fund 153,647

From Grain Inspection Fee Fund 605

From Water and Waste Water Loan Fund 2,820

From Workers' Compensation Fund 30,012

From Second Injury Fund 6,855

From Railroad Expense Fund 1,854

From Petroleum Inspection Fund 2,979

From Hazardous Waste Fund 3,453

From Safe Drinking Water Fund 4,005

From Missouri Office of Prosecution Services Fund 553

From Crime Victims' Compensation Fund 132

From Coal Mine Land Reclamation Fund 142

From Professional Registration Fees Fund 27,727

From Hazardous Waste Remedial Fund 5,795

From Missouri Air Pollution Control Fund 1,136

From Mined Land Reclamation Fund 735

Total $461,631".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 19**, entitled:

An act to authorize the commencement of certain projects to be funded from the Third State Building Fund and the Third State Building Trust Fund pursuant to Article III, Section 37(d) of the Constitution of the State of Missouri and Section 8.275 RSMo.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Bill No. 19, Page 1, Section 19.090, Line 2, by deleting said line and inserting in lieu thereof the following: "For the Division of Environmental Quality"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 816**: Senators Mathewson, Howard, Lybyer, Singleton and Childers.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 276**, entitled:

An act to enact thirteen new sections relating to safety regulations for amusement rides, with penalty provisions.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 276, Page 5, Section 1, Line 2 of said page, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill and page, Section 2, Line 1, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill and page, Section 2, Line 18, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 6, Section 3, Line 2, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 6, Line 3, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 6, Line 4, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 7, Line 3, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 8, Line 6, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 9, Line 1, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 10, Line 1, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 7, Section 10, Line 5, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 8, Section 10, Line 11, by striking the numeral "12" and inserting in lieu thereof "**10.**"; and

Further amend said bill, Page 8, Section 11, Lines 1 to 31, by striking all of said section; and

Further amend said bill, Pages 8 to 9, Section 12, Lines 1 to 18, by striking all of said section; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

**THIRD READING OF SENATE BILLS**

**HCS SS SB 121, with House Amendment No. 3 to Part II of HS, as amended, Part II of HS, as amended, pending, and Part I of HS, as amended, adopted**, relating to seat belts and riding in truck beds, was again taken up by Representative Williams (121).

Representative Bennett offered House Substitute Amendment No. 1 for House Amendment No. 3 to Part II.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

*to*

*Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 9, Section 307.178, Line 9 of said page, by inserting after all of said line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, prior to the initial motor vehicle registration or the next succeeding registration which is required by law;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo; shall submit such vehicles to [an annual] **a biennial** inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for annual registration **in a year in which an inspection is required** or within sixty days of when a vehicle's registration is transferred. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

[3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current annual registration.

4.] **3.** Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

307.353. Other provisions of law notwithstanding, no person shall be required to have [an annual] **a biennial** vehicle inspection during a registration period which exceeds one year. The inspection required at the beginning of the registration period shall be valid for the entire registration period.

307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued unless the application for the transfer of a license or the application for annual registration is accompanied by a current certificate of inspection and approval issued not more than sixty days prior to the date of the application **in a year in which an inspection is required**, or, in the cases of school buses, the current certificate of inspection and approval issued at the time provided in section 307.375 next preceding the date of application, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri.

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.

307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station under the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in his possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by him for that purpose as he considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them himself or shall have them corrected at any place of his own choice within fifteen days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that he need not have the corrections made at the inspection station.

5. A fee, not to exceed [seven] **fourteen** dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed six dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous ten consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, he shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that he need not have the corrections made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of seventy-five cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with fifty cents of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, twenty-five cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.

307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, [as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested to determine that the emissions system is

functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **The motor vehicles to be tested shall be all vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section. Motor vehicles shall have their emission systems tested annually and where applicable, the vehicles shall be tested as part of the motor vehicle safety inspection procedure required by sections 307.350 to 307.390.**

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law.

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill's title and enacting clause accordingly.

Representative Hosmer requested a division of the question.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 3*

*to*

*Part II*

PART I

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 9, Section 307.178, Line 9 of said page, by inserting after all of said line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, prior to the initial motor vehicle registration or the next succeeding registration which is required by law;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo; shall submit such vehicles to [an annual] **a biennial** inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for annual registration **in a year in which an inspection is required** or within sixty days of when a vehicle's registration is transferred. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

[3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current annual registration.

4.] **3.** Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

307.353. Other provisions of law notwithstanding, no person shall be required to have [an annual] **a biennial** vehicle inspection during a registration period which exceeds one year. The inspection required at the beginning of the registration period shall be valid for the entire registration period.

307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued unless the application for the transfer of a license or the application for annual registration is accompanied by a current certificate of inspection and approval issued not more than sixty days prior to the date of the application **in a year in which an inspection is required**, or, in the cases of school buses, the current certificate of inspection and approval issued at the time provided in section 307.375 next preceding the date of application, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri.

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.

307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station under the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in his possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by him for that purpose as he considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them himself or shall have them corrected at any place of his own choice within fifteen days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that he need not have the corrections made at the inspection station.

5. A fee, not to exceed [seven] **fourteen** dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed six dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous ten consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If

the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, he shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that he need not have the corrections made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of seventy-five cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with fifty cents of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, twenty-five cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.

PART II

307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census, [as a part of the motor vehicle inspection procedure required by sections 307.350 to 307.390,] certain motor vehicles shall be tested to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. **The motor vehicles to be tested shall be all vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section. Motor vehicles shall have their emission systems tested annually and where applicable, the vehicles shall be tested as part of the motor vehicle safety inspection procedure required by sections 307.350 to 307.390.**

2. The provisions of this section shall not apply to:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles;

(3) Model year vehicles prior to 1971;

(4) School buses;

(5) Diesel-powered vehicles;

(6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and

(7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law.

Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official safety and emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official safety and emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

4. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

5. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official safety and emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

6. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

7. Each safety and emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, safety and emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

8. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official safety and emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official safety and emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury

to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

9. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

10. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

11. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

12. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill's title and enacting clause accordingly.

On motion of Representative Bennett, Part I of House Substitute Amendment No. 1 for House Amendment No. 3 was adopted by the following vote:

AYES: 090

Akin Alter Ballard Barnett 4 Bennett 15

Berkstresser Boatright Broach Burton Champion

Chrismer Cierpiot Crump Davis 63 DeMarce

Dolan Donovan Edwards-Pavia Elliott Evans

Foley Ford Foster Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Hall Hartzler 123

Hartzler 124 Hegeman Hohulin Holand Howerton

Kasten Kissell Lawson Leake Levin

Liese Linton Lograsso Loudon Luetkenhaus

Marble Mays 50 McLuckie Merideth Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Richardson

Ridgeway Rizzo Robirds Ross Sallee

Schwab Scott Secrest Sheldon 104 Shields

Steen Stroker Summers Thomason 163 Townley

Treadway Troupe Vogel Wannenmacher Wiggins

NOES: 061

Auer Backer Barry 100 Bartelsmeyer Bauer

Bonner Boucher Bray 84 Campbell Carter

Clayton Cooper Copeland Daniel 42 Davis 122

Days Dougherty Enz Farmer Farnen

Fitzwater Franklin Fritts Gunn Hagan-Harrell

Heckemeyer Hendrickson Hickey Hollingsworth Hoppe

Hosmer Johnson Kauffman Kelley 47 Kennedy

Koller Kreider Lakin Legan Long

Lumpe May 108 McClelland Miller Murphy

Reynolds Scheve Schilling Seigfreid Shear

Shelton 57 Skaggs Smith Stokan Surface

Tate Van Zandt Williams 121 Williams 159 Wilson

Mr. Speaker

PRESENT: 001

Crawford

ABSENT WITH LEAVE: 011

Bland Daniels 41 Goward Hand Harlan

Kelly 27 McBride Monaco Stoll Thompson 37

Wooten

On motion of Representative Bennett, Part II of House Substitute Amendment No. 1 for House Amendment No. 3 was adopted.

Speaker Pro Tem Kreider assumed the Chair.

Representative Akin offered House Amendment No. 4 to Part II.

*House Amendment No. 4*

*to*

*Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 7, Section 2, Line 9, by adding after the said line the following:

"If there are more persons than there are seat belts in the enclosed area of a motor vehicle, and if the persons are members of the same family (that is related within the first degree of consanguinity) then the driver and passengers are not in violation of this section."

Representative Long offered House Substitute Amendment No. 1 for House Amendment No. 4 to Part II.

House Substitute Amendment No. 1 for House Amendment No. 4 to Part II was withdrawn.

Representative Wannenmacher offered House Substitute Amendment No. 1 for House Amendment No. 4 to Part II.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

*to*

*Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, Page 7, Section 2, Line 9, by adding after said line the following:

"If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this section."

On motion of Representative Wannenmacher, House Substitute Amendment No. 1 for House Amendment No. 4 to Part II was adopted.

Representative Evans offered House Amendment No. 5 to Part II.

Representative Farmer raised a point of order that House Amendment No. 5 to Part II is frivolous.

The Chair ruled the point of order well taken.

On motion of Representative Williams (121), **Part II of HS HCS SS SB 121, as amended,** was adopted.

On motion of Representative Williams (121), **HS HCS SS SB 121, as amended,** was adopted.

On motion of Representative Williams (121), **HS HCS SS SB 121, as amended,** was read the third time and passed by the following vote:

AYES: 130

Akin Auer Backer Barry 100 Bauer

Bennett 15 Berkstresser Bland Boatright Bonner

Boucher Bray 84 Broach Burton Campbell

Carter Champion Chrismer Cierpiot Cooper

Copeland Crawford Crump Daniel 42 Davis 63

Davis 122 Days Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Foley Ford Foster Fritts

Gibbons Graham 106 Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Lakin
Lawson Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Marble
May 108 Mays 50 McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Patek Pouche Pryor Purgason Ransdall
Reinhart Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Troupe Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 022

Alter Ballard Barnett 4 Bartelsmeyer Clayton
DeMarce Fitzwater Froelker Gaskill Gaston
Graham 24 Gratz Green Heckemeyer Hohulin
Koller Kreider Leake Steen Townley
Treadway Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 011

Daniels 41 Franklin Goward Hand Harlan
Lumpe McBride Parker Relford Smith
Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Reynolds, title to the bill was agreed to.

Representative Lakin moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HCS SCS SB 89**, relating to regional jail districts, was taken up by Representative Legan.

Representative Legan offered **HS HCS SCS SB 89**.

Representative Richardson offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 4 of said page, by inserting after the figure "1994," the following: "and section 56.265, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, In the Title, Line 5 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by inserting after the figure "1994," the following: "and section 56.265, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after the figure "49.310," the following: "56.265,"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting the word and figure "and 2" and inserting in lieu thereof the following: ", 2, 3 and 4"; and

Further amend said bill, Page 5, Section 49.310, Line 5 of said page, by inserting after all of said line the following:

"56.265. 1. The county prosecuting attorney in any county, other than in a [first class] chartered county **of the first classification**, shall receive an annual salary computed as set forth in the following schedule**, when applicable**. The population factor shall be as disclosed in the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation received by any person holding the office of prosecuting attorney on January 1, 1988.

(1) For a full-time prosecutor [in a county of the first or second class:

Assessed Valuation Amount

$100,000,000 to 200,000,000 $36,000

200,000,001 to 300,000,000 38,000

300,000,001 to 400,000,000 41,000

400,000,001 to 500,000,000 44,000

500,000,001 to 750,000,000 46,000

750,000,001 to 1,000,000,000 48,000

1,000,000,001 or more 50,000

Population Amount

Less than 50,000 $ 9,000

50,001 to 75,000 11,000

75,001 to 100,000 12,000

100,001 or more 13,000]**, the prosecutor shall receive compensation equal to the**

**compensation of an associate circuit judge;**

(2) For a part-time prosecutor in a [second class] county **of the second classification**:

Assessed Valuation Amount

$00 to 50,000,000 $35,000

50,000,001 to 100,000,000 36,000

100,000,001 to 150,000,000 37,000

150,000,001 to 170,000,000 39,000

170,000,001 to 250,000,000 40,000

250,000,001 to 300,000,000 41,000

300,000,001 to 350,000,000 42,000

350,000,001 to 400,000,000 43,000

400,000,001 or more 44,000

Population Amount

Less than 20,000 $ 1,000

20,001 to 30,000 2,000

30,001 to 40,000 3,000

40,001 to 75,000 4,000

75,001 or more 5,000

(3) In [second class] counties **of the second classification** which contain facilities which are operated by the department of corrections with a total average yearly inmate population in excess of two thousand persons, the prosecuting attorney shall receive thirteen thousand dollars per annum in addition to all other compensation provided by law; however, the total annual compensation of such prosecuting attorney holding office on January 1, 1988, shall not be increased by more than nine thousand dollars above the compensation which [he] **the prosecuting attorney** is receiving on January 1, 1988, during the term of office [he] **the prosecuting attorney** is serving at that time. The provisions of this subdivision shall expire on December 31, 1998.

(4) For a **part-time** prosecutor in a county of the third or fourth [class] **classification**:

Assessed Valuation Amount

Less than $25,000,000 $30,000

25,000,001 to 50,000,000 31,000

50,000,001 to 75,000,000 32,000

75,000,001 to 100,000,000 33,000

100,000,001 to 125,000,000 34,000

125,000,001 to 150,000,000 35,000

150,000,001 to 200,000,000 36,000

200,000,001 to 300,000,000 37,000

300,000,001 to 400,000,000 38,000

400,000,001 to 500,000,000 39,000

500,000,001 or more 40,000

Population Amount

Less than 25,000 $1,000

25,001 to 50,000 2,000

50,001 to 100,000 3,000

100,001 to 150,000 4,000

150,001 or more 5,000

[(5) For a circuit attorney in a city not within a county, the annual salary shall be sixty-four thousand dollars until December 31, 1993.]

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if [he] **such prosecuting attorney** has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. [The prosecuting attorney in any county, other than a first class charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of prosecuting attorney in the particular county for services rendered or performed on the date the salary commission votes.

5.] In a county of the first [class] **classification**, which was a county of the second [class] **classification** on January 1, 1988, and in which the circuit court sits in two different cities, the prosecuting attorney shall be part time and the compensation shall be five percent less than the formula provided for prosecuting attorney compensation in subdivision (1) of subsection 1 of this section.

**5. The provisions of subdivision (3) of subsection 1 of this section and the provisions of subsections 2 and 3 of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.**

**Section 3. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:**

**Shall the office of prosecuting attorney be made a full-time position in ..... County?**

**[ ] Yes [ ] No**

**If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.**

**Section 4. In any county in which the voters have passed the proposition pursuant to section 3 of this act, the prosecuting attorney shall devote full time to the prosecuting attorney's office, and, except for the performance of official duties, shall not engage in the practice of law.**".

On motion of Representative Richardson, House Amendment No. 1 was adopted.

Representative Hosmer offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 3, by deleting the following on said line "and 221.410" and inserting in lieu thereof the following "**221.410, 562.021 and 562.026**"; and

further amend said title, line 5, by deleting the word "twelve" and inserting in lieu thereof the word "**fourteen**"; and

further amend page 1, section A, line 2, by deleting the following "and 221.410" and inserting in lieu thereof the following "**221.410, 562.021 and 562.026**"; and

further amend said line by deleting the word "twelve" and inserting in lieu thereof the word "**fourteen**"; and

further amend said section, line 13, by inserting immediately after "221.430," the following "**562.021 and 562.026,**"; and

further amend said substitute, page 17, section 221.430, line 6, by inserting immediately after said line the following:

1. If the definition of any offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element.

**2. If the definition of an offense prescribes a culpable mental state with regard to a particular element or elements of that offense, the prescribed culpable mental state shall be required only as to specified element or elements, and a culpable mental state shall not be required as to any other element of the offense.**

**3. Except as provided in subsection 2, of this section and section 562.026, if the definition of any offense does not expressly prescribe a culpable mental state for any elements of the offense, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly but recklessly, or criminal negligence is not sufficient.**

[2] **4.** If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely.

[3] **5.** Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the statute clearly so provides.

562.026. A culpable mental state is not required:

(1) If the offense is an infraction and no culpable mental state is prescribed by the statute defining the offense; or

(2) If the **offense is a felony or misdemeanor and no culpable mental state is prescribed by the statute defining the offense, and imputation of a culpable mental state to the offense is inconsistent with the purpose of the statute defining the offense or may lead to clearly absurd or unjust results. [**statute defining the offense clearly indicates a purpose to dispense with the requirement of any culpable mental state as to a specific element of the offense.**]**

On motion of Representative Hosmer, House Amendment No. 2 was adopted.

Representative Broach offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, Page 1, In the Title, Line 3, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word and number "and 3" and inserting in lieu thereof the following: "3 and 4"; and

Further amend said bill, Page 9, Section 3, Line 19, by inserting after all of said line the following:

"**Section 4. 1. On a first offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, may be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling, at the discretion of the board of probation and parole.**

**2. On a second offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, when the victim of the second offense was thirteen years of age or less, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.**

**3. On a third offense, any sexual offender or any predatory sexual offender as defined in section 558.018, RSMo, found guilty of a sexual offense defined in chapter 566, RSMo, shall be required as a condition of parole, to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling.**

**4. Pursuant to this section, the offender shall begin medroxyprogesterone acetate treatment one week prior to release from confinement and shall continue treatments and counseling until the board of probation and parole determines that the treatment is no longer necessary or until the offender reaches the end of the offender's sentence.**

**5. No offender shall be granted early parole due to an agreement to undergo such treatment.**

**6. The board of probation and parole may decline to apply the provisions of this section to any offender who, on the date of the offense, was less than eighteen years of age, if the victim consented to the act.**

**7. The department of corrections shall promulgate such rules as are necessary to implement the provisions of this section.**

**8. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.**".

On motion of Representative Broach, House Amendment No. 3 was adopted.

Representative Hosmer offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 89, at the end of said bill, by adding the following:

569.170. 1. A person commits the crime of burglary in the second degree when he knowingly enters unlawfully or knowingly remains unlawfully in a building**,** [or] inhabitable structure**, railroad car, trailer or container on a railroad car,** for the purpose of committing a crime therein.

2. Burglary in the second degree is a class C felony.

Amend the title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 4 was adopted.

On motion of Representative Legan, **HS HCS SCS SB 89, as amended,** was adopted.

On motion of Representative Legan, **HS HCS SCS SB 89, as amended,** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kennedy

Kissell Koller Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 159 Wilson Mr. Speaker

NOES: 005

Bland Gunn Harlan Kelly 27 Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 014

Farmer Gibbons Goward Hand Kreider

Linton McBride Monaco Relford Smith

Steen Thompson 37 Williams 121 Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

Representative Green assumed the Chair.

**HCS SS SB 11**, relating to county government, was taken up by Representative Leake.

Representative Kreider offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 33, Section 58.700, Line 25, by inserting after all of said line the following:

"64.170. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first [and second class]**, second or third classification**, as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

**64.175. 1. The governing body of each county of the third classification may vote, after public hearing, to adopt and enforce a building and electrical code of regulations created pursuant to subsection 2 of this section. Upon a majority vote of the governing body of a county of the third classification to adopt and enforce a building and electrical code of regulations created pursuant to subsection 2 of section 64.180, the governing**

**body shall, after publication in a newspaper of general circulation in the county of a summary of the proposed building and electrical code or of a location where such code can be read by the public at least thirty days before such primary or general election, submit the question to the voters of the county at the next countywide primary or general election.**

**2. The voters of any county may, at any time upon their own initiative, present an initiative petition containing a minimum of ten percent of the registered voters' signatures that voted in the last gubernatorial election to the governing body of the county to place the issue of the adoption of a building and electrical code on the ballot at the next general election. Upon verification of the signatures on such petition by the county election authority, the initiative petition shall be deemed "qualifying" for purposes of this section.**

**3. After a majority vote of the governing body of the county of the third classification or the submission of a qualifying initiative petition by the voters of the county, the governing body of the county shall place on the ballot at the next general election the question in substantially the following form:**

**"Shall the county of . . . . . (insert county name) adopt and enforce the building and electrical code proposed by the . . . . . (insert county name) building commission?"**

**[ ] Yes [ ] No**

**4. Upon certification by the proper election authority of a majority vote in favor of the question, the county shall adopt and enforce the building and electrical code adopted by the voters.**

64.205. **Except as provided in section 64.175,** sections 64.170 to 64.200 shall apply to all counties of the first [and second class]**, second and third classifications**."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Kreider, House Amendment No. 1 was adopted.

Representative Koller offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 34, Section 1, Line 7, by inserting after said line the following:

"Section 2. Every county courthouse located in this state shall create and place signage of a size not less than four feet by eight feet on the grounds of the courthouse in an area that can be seen by the general public that contains the following statement upon the effective date of this bill:

MEMBERS OF THE MISSOURI ASSOCIATION OF COUNTIES AND ELECTED OFFICIALS EMPLOYED IN THIS COURTHOUSE ENCOURAGED THE STATE LEGISLATURE TO PASS SENATE BILL NO. 11 GIVING THEM THE AUTHORITY TO INCREASE THEIR SALARY." and

Further amend the title and enacting clause accordingly.

Representative Long offered House Substitute Amendment No. 1 for House Amendment

No. 2.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 34, Section 1, Line 7, by inserting after said line the following:

"Section 2. Every county courthouse located in this state shall create and place signage of a size not less than four feet by eight feet on the grounds of the courthouse in an area that can be seen by the general public that contains the following statement upon the effective date of this bill:

MEMBERS OF THE MISSOURI ASSOCIATION OF COUNTIES AND ELECTED OFFICIALS EMPLOYED IN THIS COURTHOUSE ENCOURAGED THE STATE LEGISLATURE TO PASS SENATE BILL NO. 11 GIVING THEM THE AUTHORITY TO INCREASE THEIR SALARY."

and these signs shall be paid for by the gentleman from Shannon, Koller district.; and

Further amend the title and enacting clause accordingly.

Representative Long moved that House Substitute Amendment No. 1 for House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Koller moved that House Amendment No. 2 be adopted.

Which motion was defeated by the following vote:

AYES: 067

Akin Alter Barnett 4 Barry 100 Bennett 15

Boatright Boucher Carter Champion Chrismer

Cooper Daniel 42 Dougherty Edwards-Pavia Elliott

Enz Foley Franklin Gaston Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 124 Hendrickson Kelley 47 Koller

Kreider Legan Levin Liese Linton

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McLuckie Miller Nordwald O'Connor

O'Toole Pouche Purgason Reinhart Ridgeway

Rizzo Ross Sallee Scheve Sheldon 104

Shelton 57 Shields Skaggs Stokan Surface

Thomason 163 Townley Treadway Van Zandt Wannenmacher

Wiggins Williams 159

NOES: 076

Backer Ballard Bartelsmeyer Berkstresser Bonner

Bray 84 Broach Burton Campbell Clayton

Copeland Crawford Crump Davis 122 Days

DeMarce Dolan Evans Farnen Fitzwater

Ford Foster Fritts Froelker Gaskill

Gibbons Graham 24 Graham 106 Gratz Hartzler 123

Heckemeyer Hegeman Hickey Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelly 27

Kennedy Kissell Lakin Lawson Leake

Long McClelland Merideth Monaco Murphy

Murray Naeger Ostmann Overschmidt Parker

Patek Pryor Ransdall Reynolds Richardson

Robirds Schilling Schwab Secrest Seigfreid

Shear Steen Stoll Stroker Summers

Tate Troupe Vogel Williams 121 Wilson

Mr. Speaker

PRESENT: 001

Bauer

ABSENT WITH LEAVE: 019

Auer Bland Cierpiot Daniels 41 Davis 63

Donovan Farmer Goward Hand Hohulin

Holand Howerton Lograsso McBride Relford

Scott Smith Thompson 37 Wooten

Representative Carter offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by deleting the word and number "and 57.550" and inserting in lieu thereof the following: ", 57.550, 59.220, 82.380, 82.520 and 82.599"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and number "and 57.550" and inserting in lieu thereof the following: ", 57.550, 59.220, 82.380, 82.520 and 82.599"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the number "58.700," the following: "59.220, 82.380, 82.520, 82.599,"; and

Further amend said bill, Page 31, Section 57.550, Line 1, by deleting the word "The" and inserting in lieu thereof the following: "**Beginning January 1, 1998,** the"; and

Further amend said bill, Page 31, Section 57.550, Line 2, by deleting the words "**sixty-five** thousand dollars per

annum" and inserting in lieu thereof the following: "**sixty-six** thousand dollars per annum**, and beginning January 1, 1999, the sheriff of the city of St. Louis shall receive for the sheriff's services the sum of seventy-two thousand six hundred dollars per annum**"; and

Further amend said bill, Page 33, Section 58.700, Line 25, by inserting after all of said line the following:

"59.220. **Beginning January 1, 1998,** in [all cities having more than seven hundred thousand inhabitants] **the city of St. Louis**, the recorder of deeds shall receive as total compensation an annual salary of [fifty-two] **fifty-eight** thousand **three hundred** dollars **and beginning January 1, 1999, in the city of St. Louis, the recorder of deeds shall receive as total compensation an annual salary of sixty-four thousand one hundred thirty dollars**.

82.390. 1. **Beginning January 1, 1998,** the license collector of the city of St. Louis shall receive a salary of [fifty-three] **fifty-eight** thousand **three hundred** dollars per year **and beginning January 1, 1999, the license collector of the city of St. Louis shall receive a salary of sixty-four thousand one hundred thirty dollars**, payable as provided in section 82.395.

2. The license collector may appoint one chief deputy, and one assistant deputy license collector, either of whom, in the absence for any cause of the license collector, may perform all the duties of the license collector. The license collector may appoint a cashier, an assistant cashier, a secretary and such other clerks, account clerks and inspectors as are required by the license collector to properly and efficiently perform the duties of [his] **the license collector's** office when such positions are approved by the board of aldermen of such city.

3. The salaries and compensation of the employees enumerated in subsection 2 of this section shall be payable as provided in section 82.395.

4. The license collector, deputy license collector and clerks may administer oaths in the transaction of the business of the office. The license collector and [his] **the license collector's** sureties are responsible for the official acts of all employees appointed by [him] **the license collector**.

82.520. **Beginning January 1, 1998,** the salary of the city treasurer shall be, in addition to the amount provided by section 82.516, [forty-nine] **fifty-three** thousand **nine hundred** dollars per annum **and beginning January 1, 1999, the salary of the city treasurer shall be, in addition to the amount provided by section 82.516, fifty-nine thousand two hundred ninety dollars per annum**. The salary of the city treasurer, and the salaries of his deputies, clerks, and assistants, shall be paid out of the city treasury, in equal semimonthly installments.

82.599. Other provisions of law to the contrary notwithstanding, **beginning January 1, 1998,** the collector of revenue in a city not within a county shall receive an annual salary of [sixty-four] **seventy** thousand **four hundred** dollars **and beginning January 1, 1999, the collector of revenue in a city not within a county shall receive an annual salary of seventy-seven thousand four hundred forty dollars**. Such salary shall be paid out of the city treasury, in equal semimonthly installments, and shall be in lieu of all other amounts otherwise provided by law.".

On motion of Representative Carter, House Amendment No. 3 was adopted.

Representative Kreider offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 67, Section 58.700, Line 15, by inserting immediately after said line the following:

"Section 1. Any provision of the law to the contrary notwithstanding, no commissioner, clerk, collector, assessor, treasurer, auditor, prosecuting attorney, sheriff, coroner, recorder or surveyor of any county of this state shall serve more than two full terms in each of said county offices." and

Further amend the title and enacting clause accordingly.

Representative Leake raised a point of order that House Amendment No. 4 is not germane to the bill.

Representative Green requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

House Amendment No. 4 was withdrawn.

Representative Franklin offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 2, by inserting after the number "56.600," the number "56.830,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number "56.600," the number "56.830,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the number "56.600," the number "56.830,"; and

Further amend said bill, Page 29, Section 56.600, Line 10, by inserting after all of said line the following:

"56.830. 1. A death benefit of ten thousand dollars shall be paid to the designated beneficiary of every active member upon [his] **the member's** death or to [his] **the member's** estate if there is no designated beneficiary.

2. If a member dies before retirement, after becoming eligible for retirement, [his] **the member's** surviving spouse, if [she] **such surviving spouse** has been married to the member for at least two years prior to [his] **the member's** death, shall be entitled to survivorship benefits [under] **pursuant to** option 1 as set forth in section 56.827 as if the member had retired on the date of [his] **the member's** death.

**3. If a member with twelve or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if such surviving spouse has been married to the member for at least two years prior to the member's death, shall be entitled to survivor benefits pursuant to option 1 as set forth in section 56.827 as if the member retired on the date of the member's death.**".

On motion of Representative Franklin, House Amendment No. 4 was adopted.

Representative Leake offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 2, Section 49.082, Lines 42-43, by inserting an opening bracket "[" after the word "government" on line 42 and by inserting a closing bracket "]" after the word "more" on line 43.

On motion of Representative Leake, House Amendment No. 5 was adopted.

Representative Cooper offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 9, Section 50.343, Line 12, by inserting before the word "including" the bracket "["; and

Further amend said bill, Page 9, Section 50.343, Line 13, by inserting after the word "more," the bracket "]"; and

Further amend said bill, Page 9, Section 50.343, Line 14, by inserting after the word "office" the following: "**; except that, the position of county commissioner in any county of the first classification without a charter form of government containing any part of a city with a population of three hundred thousand or more shall be considered a part time position and any commissioner in such county shall not be required to devote full time to the duties of the office**".

Representative Cooper moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 058

Auer Bauer Bland Boucher Bray 84

Campbell Carter Cooper Copeland Daniel 42

Davis 122 Days DeMarce Dougherty Farmer

Farnen Fitzwater Franklin Fritts Gaskill

Green Gunn Hagan-Harrell Harlan Hartzler 123

Holand Hollingsworth Kauffman Koller Kreider

Lakin Leake Legan Liese Lumpe

May 108 Mays 50 McClelland McLuckie Merideth

Miller Murray O'Toole Overschmidt Ransdall

Rizzo Scheve Seigfreid Shear Shelton 57

Skaggs Stroker Tate Thomason 163 Troupe

Van Zandt Williams 121 Wilson

NOES: 088

Akin Alter Ballard Barnett 4 Barry 100

Bennett 15 Berkstresser Boatright Bonner Broach

Burton Chrismer Cierpiot Crawford Davis 63

Dolan Donovan Edwards-Pavia Elliott Enz

Evans Ford Foster Froelker Gaston

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Hall Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Hoppe Hosmer

Howerton Johnson Kasten Kelley 47 Kelly 27

Kennedy Kissell Lawson Levin Linton

Lograsso Long Loudon Luetkenhaus Marble

Monaco Murphy Naeger Nordwald O'Connor

Parker Patek Pouche Pryor Purgason

Reinhart Reynolds Richardson Ridgeway Robirds

Ross Sallee Schilling Schwab Secrest

Shields Steen Stokan Stoll Summers

Surface Townley Treadway Vogel Wannenmacher

Wiggins Williams 159 Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 017

Backer Bartelsmeyer Champion Clayton Crump

Daniels 41 Foley Goward Hand McBride

Ostmann Relford Scott Sheldon 104 Smith

Thompson 37 Wooten

Speaker Pro Tem Kreider resumed the Chair.

Representative Backer offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by inserting immediately after the figure "50.343," the figure "52.230,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the words "twenty-one" and inserting in lieu thereof the words "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "50.343," the figure "52.230,"; and

Further amend said bill, Page 2, Section A, Line 3, by deleting the words "twenty-one" and inserting in lieu thereof the words "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting immediately after the figure "51.281," the figure "52.230,"; and

Further amend said bill, Page 13, Section 51.281, Line 50, by inserting immediately after said line the following:

"52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least fifteen days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. **Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both.** Collectors shall also mail tax receipts for all the taxes received by mail.".

On motion of Representative Backer, House Amendment No. 7 was adopted.

Representative Leake offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 34, Section 1, Line 7, by adding immediately after all of said line the following:

"**Section 2. In any county through which a federal interstate highway passes, or in any county which has an official weigh station, the county may receive an additional two thousand five hundred dollars for duties associated with offenses originating on the federal interstate highway or at a weigh station. The county shall allocate these moneys for the compensation of the sheriff and prosecuting or circuit attorney in the proportion sixty percent to the prosecuting or circuit attorney and forty percent to the sheriff.**"; and

Further amend the title and enacting clause accordingly.

On motion of Representative Leake, House Amendment No. 8 was adopted.

Representative Shields offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 1, In the Title, Line 4, by deleting the word and figure "and 58.700" and inserting in lieu thereof the following: ", 58.700 and 473.739"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-one" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and figure "and 58.700" and inserting in lieu thereof the following: ", 58.700 and 473.739"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty-one" and inserting in lieu thereof the following: "twenty-two"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the figure "58.700," the following: "473.739"; and

Further amend said bill, Page 33, Section 58.700, Line 25, by inserting after all of said line the following:

"473.739. 1. Each public administrator, except in counties of the first class with a charter form of government, who does not receive at least twenty-five thousand dollars in fees as otherwise allowed by law shall receive annual compensation of four thousand dollars and each such public administrator who does not receive at least forty-five thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose.".

On motion of Representative Shields, House Amendment No. 9 was adopted.

Representative Hosmer offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 29, Section 56.600, Line 10, by inserting after all of said line the following:

"57.295. In each county of this state the sheriff and each full-time deputy sheriff shall receive, at the discretion of the county commission, twenty-five dollars per month, as a uniform allowance, and may receive, at the discretion of the county commission, not in excess of a total of [sixty-five] **one hundred** dollars per month, as a uniform allowance, to be paid to him **or her** monthly out of the county treasury. This allowance shall apply only to sheriffs and deputy sheriffs who wear an official uniform in performance of their duty."; and

Further amend title and enacting clause accordingly.

On motion of Representative Hosmer, House Amendment No. 10 was adopted.

Representative Gratz offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 17, Section 53.270, Line 1, by placing an opening bracket "[" immediately after the word "more"; and

Further amend said line by placing a closing bracket "]" immediately after the word "consecutive".

On motion of Representative Gratz, House Amendment No. 11 was adopted.

Representative Richardson offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 25, Section 56.265, Lines 1 to 35, by deleting all of said lines and inserting in lieu thereof the following:

"56.265. 1. The county prosecuting attorney in any county, other than in a [first class] chartered county **of the first classification**, shall receive an annual salary computed as set forth in the following schedule**, when applicable**. The population factor shall be as disclosed in the last preceding federal decennial census and the assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation received by any person holding the office of prosecuting attorney on January 1, 1988.

(1) For a full-time prosecutor [in a county of the first or second class:

Assessed Valuation Amount

$100,000,000 to 200,000,000 $36,000

200,000,001 to 300,000,000 38,000

300,000,001 to 400,000,000 41,000

400,000,001 to 500,000,000 44,000

500,000,001 to 750,000,000 46,000

750,000,001 to 1,000,000,000 48,000

1,000,000,001 or more 50,000

Population Amount

Less than 50,000 $9,000

50,001 to 75,000 11,000

75,001 to 100,000 12,000

100,001 or more 13,000]**, the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;**"; and

Further amend said bill, Page 26, Section 56.265, Line 36, by deleting the numbers "[(2)] **(3)**" and inserting in lieu thereof the number "(2)"; and

Further amend said bill, Page 27, Section 56.265, Lines 60 through 67, by deleting all of said lines and inserting in lieu thereof the following:

"(3) In [second class] counties **of the second classification** which contain facilities which are operated by the department of corrections with a total average yearly inmate population in excess of two thousand persons, the prosecuting attorney shall receive thirteen thousand dollars per annum in addition to all other compensation provided by law; however, the total annual compensation of such prosecuting attorney holding office on January 1, 1988, shall not be increased by more than nine thousand dollars above the compensation which [he] **the prosecuting attorney** is receiving on January 1, 1988, during the term of office [he] **the prosecuting attorney** is serving at that time. The provisions of this subdivision shall expire on December 31, 1998."; and

Further amend said bill, Page 27, Section 56.265, Line 68, by deleting the numbers "[(4)] **(5)**" and inserting in lieu thereof the number "(4)"; and

Further amend said bill, Page 29, Section 56.265, Line 127, by inserting after all of said line the following:

"**6. The provisions of subdivision (3) of subsection 1 of this section and the provisions of subsections 2 and 3 of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.**"; and

Further amend said bill, Page 29, Sections 56.363 and 56.365, by deleting all of said sections and inserting in lieu thereof the following:

"**56.363. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:**

**Shall the office of prosecuting attorney be made a full-time position in ..... County?**

**[ ] Yes [ ] No**

**If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.**

**56.365. In any county in which the voters have passed the proposition pursuant to section 56.363, the prosecuting attorney shall devote full time to the prosecuting attorney's office, and, except for the performance of official duties, shall not engage in the practice of law.**".

On motion of Representative Richardson, House Amendment No. 12 was adopted.

Representative Monaco offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 34, Section 1, Line 7, by inserting immediately after said line the following:

"**Section 2. The base salary for all court clerks II and III who work directly for a circuit or an associate circuit judge is increased two thousand dollars.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Monaco, House Amendment No. 13 was adopted.

Representative Pryor offered House Amendment No. 14.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 10, Section 50.343, Line 53, by inserting after the "payable" the bracket "["; and

Further amend said bill, Page 11, Section 50.343, Line 54, by inserting after the word "officers" the following: "] **immediately**".

On motion of Representative Pryor, House Amendment No. 14 was adopted.

Representative Long offered House Amendment No. 15.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 7, Section 50.333, Line 160, by inserting immediately after the word "employees" on said line the following:

"**The compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer.**"

Representative Parker offered House Substitute Amendment No. 1 for House Amendment No. 15.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 11, Page 7, Section 50.333, Line 160, by inserting immediately after the word "employees" on said line the following:

"**The rate of compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer.**"

On motion of Representative Parker, House Substitute Amendment No. 1 for House Amendment No. 15 was adopted.

On motion of Representative Leake **HCS SS SB 11, as amended,** was adopted.

On motion of Representative Leake, **HCS SS SB 11, as amended,** was read the third time and passed by the following vote:

AYES: 114

Alter Auer Backer Barnett 4 Barry 100

Bauer Bland Bonner Boucher Bray 84

Broach Burton Campbell Clayton Copeland

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Dougherty Elliott Evans Farmer

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Graham 24 Graham 106

Gratz Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Leake Legan Levin Liese Long

Luetkenhaus Lumpe May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Overschmidt

Parker Pryor Purgason Ransdall Reynolds

Richardson Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Seigfreid

Shear Sheldon 104 Shelton 57 Steen Stokan

Stoll Stroker Summers Surface Thomason 163

Townley Troupe Van Zandt Vogel Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 033

Akin Ballard Bennett 15 Boatright Champion

Chrismer Cierpiot Cooper Crawford Edwards-Pavia

Enz Gaston Gibbons Gross Hall

Hendrickson Hohulin Lakin Linton Loudon

Marble Murphy Ostmann Patek Pouche

Reinhart Ridgeway Secrest Shields Skaggs

Tate Treadway Wannenmacher

PRESENT: 004

Bartelsmeyer Berkstresser Farnen Lawson

ABSENT WITH LEAVE: 012

Carter Crump Daniels 41 Donovan Goward
Hand Lograsso McBride Relford Smith
Thompson 37 Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hollingsworth, title to the bill was agreed to.

Representative Dougherty moved that the vote by which the bill passed be reconsidered.

Representative Franklin moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SCS HCS HB 331, as amended,** relating to St. Louis Police, was taken up by Representative O'Toole.

On motion of Representative O'Toole, **SCS HCS HB 331, as amended,** was adopted by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hohulin Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Levin Liese Linton

Long Loudon Luetkenhaus Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Crump Daniels 41 Donovan Goward Hand

Holand Kelly 27 Legan Lograsso Lumpe

McBride Relford Smith Thompson 37 Wooten

On motion of Representative O'Toole, **SCS HCS HB 331, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 142

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Daniel 42

Davis 63 Davis 122 Days DeMarce Dolan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Long Loudon
Luetkenhaus Marble May 108 Mays 50 McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reynolds Richardson Ridgeway
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

NOES: 002

Boatright Hohulin

PRESENT: 001

Murphy

ABSENT WITH LEAVE: 018

Bartelsmeyer Bland Crump Daniels 41 Donovan
Goward Gratz Hand Lograsso Lumpe
McBride Reinhart Relford Rizzo Smith
Stokan Thompson 37 Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF SENATE BILLS**

**SB 449, with House Committee Amendment No. 1**, relating to state treasurer, was taken up by Representative Harlan.

On motion of Representative Harlan, House Committee Amendment No. 1 was adopted.

On motion of Representative Harlan, **SB 449, as amended,** was read the third time and passed by the following vote:

AYES: 137

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Davis 63 Davis 122 Days

Dolan Donovan Dougherty Edwards-Pavia Enz

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hollingsworth Hoppe

Howerton Johnson Kasten Kauffman Kelley 47

Kennedy Kissell Koller Lakin Lawson

Leake Legan Levin Liese Linton

Loudon Luetkenhaus Marble May 108 McClelland

McLuckie Merideth Miller Murphy Murray

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Reynolds Richardson Ridgeway

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Steen

Stokan Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 025

Champion Crump Daniels 41 DeMarce Elliott

Evans Goward Hand Holand Hosmer

Kelly 27 Kreider Lograsso Long Lumpe

Mays 50 McBride Monaco Naeger Relford

Rizzo Smith Stoll Thompson 37 Wooten

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Carter, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

Representative Auer assumed the Chair.

**SB 67, with House Committee Amendment No. 1**, relating to transportation corporations, was taken up by Representative Steen.

On motion of Representative Steen, House Committee Amendment No. 1 was adopted.

Representative Liese offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Bill 67, Page 1, In the Title, Line 3, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and number "and 238.367" and inserting in lieu thereof the following: ", 238.367 and 1"; and

Further amend said bill, Page 5, Section 238.367, Line 37, by inserting after all of said line the following:

"**Section 1. 1. The department of transportation shall whenever contracting for pavement markings upon Missouri highways require that the pavement marking material used for such new or replacement markings meet the following minimum standards:**

**(1) A state service life of no less than twelve months; and**

**(2) A minimum reflectivity of one hundred fifty millicandelas per lux per square meter at all times during the twelve-month service life.**

**2. If the pavement markings used upon the highways of this state after August 28, 1997, fails to meet the minimum reflectivity requirements of subsection 1 of this section at all times during the twelve-month service life, the manufacturer shall pay all costs for material and labor for the removal and replacement of such deficient areas of such highway pavement markings.**".

Representative Froelker offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to Senate Bill No. 67, Page 2, Section 238.367, Line 10, by deleting on said line "1997" and inserting in lieu thereof "1998"

On motion of Representative Froelker, House Amendment No. 1 to House Amendment No. 1 was adopted.

On motion of Representative Liese, House Amendment No. 1, as amended, was adopted.

On motion of Representative Steen, **SB 67, as amended,** was read the third time and passed by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Carter Chrismer Cierpiot Clayton

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Howerton Johnson

Kasten Kauffman Kelley 47 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Reynolds Richardson Ridgeway

Robirds Ross Sallee Scheve Schilling

Schwab Scott Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stroker

Summers Surface Tate Thomason 163 Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Mr. Speaker

NOES: 004

Bennett 15 Edwards-Pavia Townley Treadway

PRESENT: 000

ABSENT WITH LEAVE: 021

Bland Bray 84 Champion Cooper Davis 63

Gaston Goward Hand Harlan Hohulin

Hosmer Kelly 27 McBride Relford Rizzo

Secrest Smith Stokan Stoll Thompson 37

Wooten

Representative Auer declared the bill passed.

On motion of Representative Van Zandt, title to the bill was agreed to.

Representative Reynolds moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

Speaker Pro Tem Kreider resumed the Chair.

**HCS SS SB 248**, relating to courts, was taken up by Representative May (108).

Representative May (108) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 13, Section 476.010, Lines 1-2, by striking said line and inserting in lieu thereof the following: "476.010. The supreme court of the state of Missouri, the court of appeals [and]**,** the circuit **divisions of the circuit** courts [in this state]**, and any other division of the circuit courts keeping a record of the proceedings before the court,** shall be courts of record, and shall keep just and faithful records of their".

On motion of Representative May (108), House Amendment No. 1 was adopted.

Representative Backer offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 14, Section 476.055, Line 11, by deleting the brackets around the word "2004" and further amend said bill, Page 14, by deleting the word "2007."

On motion of Representative Backer, House Amendment No. 2 was adopted.

Representative Farnen offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 32, Section 577.051, Line 39, by inserting immediately after said line the following:

"[590.140 1. A fee of up to two dollars may be assessed as costs in each court proceeding filed in any court in the state for violations of the general criminal laws of the state, including infractions, or violations of county or municipal ordinances, provided that no such fee shall be collected for nonmoving traffic violations, and no such fee shall be collected for violations of fish and game regulations, and no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court. For violations of the general criminal laws of the state or county ordinances, no such fee shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such fee shall be collected unless it is authorized by the municipal government where the violation occurred. Such fees shall be collected by the official of each respective court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances and to the treasurer of the municipality where the violation occurred in the case of violations of municipal ordinances. An additional dollar may be assessed as costs as provided in this section, and sent to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. Any county or municipality not contributing to the peace officer standards and training commission fund shall not be entitled to any reimbursement from the fund. Such fees shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.]

590.140. 1. A surcharge of up to two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo, and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. [Any county or municipality not enacting an order or ordinance effective prior to January 1, 1997, providing surcharges to

the peace officer standards and training commission fund shall not be entitled to any reimbursement from the fund.] Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.";

And further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Farnen, House Amendment No. 3 was adopted.

Representative Lograsso offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 25, Section 488.015, Lines 27 and 30, by deleting the brackets on said lines and on line 30 by inserting the following between the words "rules" and "presented": "and any proposed change shall be"

On motion of Representative Lograsso, House Amendment No. 4 was adopted.

Representative Backer offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 14, Section 476.055, Line 15, by adding after the word administration the following: "two members of the House of Representatives appointed by the Speaker of the House, two members of the Senate appointed by the President Pro Tem of the Senate."

On motion of Representative Backer, House Amendment No. 5 was adopted by the following vote:

AYES: 102

Alter Backer Barnett 4 Barry 100 Bartelsmeyer

Berkstresser Bland Boatright Boucher Bray 84

Broach Burton Carter Champion Chrismer

Cierpiot Cooper Copeland Crawford Crump

Daniel 42 Davis 122 Days Donovan Dougherty

Elliott Farmer Farnen Fitzwater Ford

Foster Franklin Froelker Gaskill Gaston

Graham 24 Graham 106 Gratz Gross Gunn

Hall Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Howerton

Kasten Kauffman Kelly 27 Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Lograsso Long Loudon Luetkenhaus

Lumpe Marble Miller Murphy O'Connor

Ostmann Overschmidt Patek Purgason Ransdall

Reinhart Richardson Ridgeway Ross Sallee

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Steen

Stroker Surface Tate Thomason 163 Townley

Treadway Troupe Vogel Wannenmacher Wiggins

Williams 159 Mr. Speaker

NOES: 040

Auer Ballard Bauer Bennett 15 Campbell

Clayton DeMarce Dolan Edwards-Pavia Enz

Evans Fritts Gibbons Green Griesheimer

Harlan Hartzler 123 Hosmer Johnson Kennedy

Kissell May 108 Mays 50 McClelland McLuckie

Merideth Monaco Murray Naeger Nordwald

O'Toole Parker Pouche Pryor Reynolds

Robirds Stoll Summers Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 021

Akin Bonner Daniels 41 Davis 63 Foley

Goward Hagan-Harrell Hand Hartzler 124 Kelley 47

Linton McBride Relford Rizzo Scheve

Skaggs Smith Stokan Thompson 37 Williams 121

Wooten

Representative Hosmer offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 24, Section 479.260, Line 12, by deleting the period "." at the end of said line and inserting in lieu thereof the following: "[.]**; provided that, each municipal court may establish a judicial education fund in an account under the control of the municipal court to retain one dollar of the fees collected on each case and to use the fund only to pay for:**

**(1) The continuing education and certification required of the municipal judges by law or supreme court rule; and**

**(2) Judicial education and training for the court administrator and clerks of the municipal court.**

**Provided further, that no municipal court shall retain more than one thousand five hundred dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipal treasury.**".

On motion of Representative Hosmer, House Amendment No. 6 was adopted.

Representative Hosmer offered House Amendment No. 7.

Representative May (108) raised a point of order that House Amendment No. 7 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Kelly (27) offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 1, In the Title, Line 2, by inserting immediately after the word "sections" the number "3.040,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting immediately after the number "513.045," the numbers "536.021, 536.022, 536.023, 536.031,"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the number "512.050," the numbers "536.024, 536.025, 536.050,"; and

Further amend said bill, Page 1, In the Title, Line 9, by inserting immediately after the word "assembly," the following: "and sections 376.1399 and 536.028 as truly agreed to and finally passed by the first regular session of the 89th general assembly in Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, and section 14 from Senate Amendment No. 26 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335 as truly agreed to and finally passed by the first regular session of the 89th general assembly,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the word "forty-four" and inserting in lieu thereof the word "fifty-six"; and

Further amend said bill, Page 1, In the Title, Line 11, by inserting immediately after the word "with" the following: "a conditional effective date for certain sections,"; and

Further amend said bill, Page 37, Section B, Line 12, by inserting after all of said line the following:

"Section C. Sections 3.040, 536.021, 536.022, 536.023 and 536.031, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, and section 536.028 as truly agreed to and finally passed by the first regular session of the 89th general assembly in Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 3.040, 21.800, 536.019, 536.020, 536.021, 536.022, 536.023, 536.024, 536.025, 536.031, 536.046 and 536.050, to read as follows:

3.040. No law relating to the bonded indebtedness of the state, no law of incorporation, no law for the appropriation of money, no memorial or joint resolution, no law or part of law of a private, local or temporary nature **and no law enacted pursuant to section 21.800, RSMo,** shall be published in the revised statutes or supplements or pocket parts thereto, but all such laws and provisions not expressly repealed shall continue in force or expire, according to their respective provisions or limitations.

**21.800. 1. Each regular legislative session, the house of representatives and senate shall propose a bill titled, "an act relating to the implementation of law existing prior to the effective date of this legislation".**

**2. Such bill shall contain subject matter to implement the provisions of existing law. An agency may make recommendations to the general assembly to implement the provisions of law.**

**3. Such legislation if it becomes actual law shall be printed pursuant to the provisions of section 3.040, RSMo, and section 536.031, RSMo.**

**4. This section shall become effective only upon the expiration of twenty calendar days following the rescission of the governor's executive order number 97-97.**

[376.1399. 1. The director may, after notice and hearing, promulgated reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

**536.019. 1. Notwithstanding any provision of law to the contrary, including any law passed during the 1997 legislative session, except as provided by subsection 2 of this section, all rulemaking authority to state agencies is hereby rescinded.**

**2. Any agency may promulgate procedural or emergency rules if such agency files such rules with the joint committee on administrative rules pursuant to the provisions of section 536.024 or 536.025 and complies with the provisions of this chapter.**

**3. In a contested case involving procedural rules, the court shall award reasonable fees and expenses to any person who prevails against the state. The burden of proof in any court proceeding shall be on the agency to prove that such rules are procedural and not substantive.**

**4. A rule promulgated as a procedural rule is void if a court determines that the rule is, in fact, substantive.**

**5. The provisions of this section shall not be construed to rescind rules which have been promulgated before August 28, 1997.**

**6. For the purposes of this section, the following terms mean:**

**(1) "Prevails", obtains a favorable order, decision, judgment or dismissal in a civil action or agency proceeding;**

**(2) "Procedural rule", rules which prescribe the manner in which substantive rights and responsibilities may be exercised and enforced;**

**(3) "Reasonable fees and expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test or project which is found by the court or agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees.**

**7. This section shall become effective only upon the expiration of twenty calendar days following the rescission of the governor's executive order number 97-97.**

**536.020. 1. In addition to seeking information by other methods, an agency may solicit comments from the public on the subject matter of a rule that the agency is considering proposing. The agency may file a notice of the rule under consideration as a proposed rulemaking with the secretary of state for publication in the Missouri Register as soon as practicable after the filing thereof in the secretary's office. The notice may contain the number and the subject matter of the rule as well as a statement indicating where, when, and how persons may comment.**

**2. Each agency may also appoint committees to comment on the subject matter of a rule that the agency is considering proposing. The membership of those committees must be published at least annually in the Missouri Register.**

536.021. 1. No rule shall hereafter be made, amended or rescinded by any state agency unless such agency shall first file with the secretary of state a notice of proposed rulemaking and a subsequent **final** order of rulemaking, both of which shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof in [his] **that** office; except that a notice of proposed rulemaking is not required for the establishment of hunting or fishing seasons and limits or for the establishment of state program plans required under federal education acts or regulations. **The secretary of state shall not publish any proposed rulemaking or final order of rulemaking that has not been filed with the joint committee on administrative rules in accordance with section 536.024.**

2. A notice of proposed rulemaking shall contain:

(1) An explanation of any new rule or any change in an existing rule, and the reasons therefor;

(2) The legal authority pursuant to which the rule is proposed to be made;

(3) The text of the entire rule proposed to be made or the entire text of any affected section or subsection of a rule which is proposed to be amended, with all new matter underlined or printed in boldface type and with all deleted matter placed in brackets, except that when a proposed rule consists of material so extensive that the publication thereof would be unduly cumbersome or expensive, the secretary of state need publish only a summary and description of the substance of the rule so long as a complete copy of the rule is made immediately available to any interested person upon application to the adopting state agency at a cost not to exceed the actual cost of reproduction. A proposed rule may incorporate by reference only if the material so incorporated is retained at the headquarters of the state agency and made available to any interested person at a cost not to exceed the actual cost of the reproduction of a copy. When a proposed amendment is to correct a typographical or printing error, or merely to make a technical change not affecting substantive matters, the amendment may be described in general terms without reprinting the entire rule, section or subsection;

(4) The number and general subject matter of any rule proposed to be rescinded;

(5) Notice that anyone may file a statement in support of or in opposition to the proposed rulemaking at a specified place and within a specified time not less than thirty days after publication of the notice of proposed rulemaking in the Missouri Register;

(6) Notice of the time and place of a hearing on the proposed rulemaking if a hearing is ordered, which hearing shall be not less than thirty days after publication of the notice of proposed rulemaking in the Missouri Register; or a statement that no hearing has been ordered if such is the case.

3. Any state agency issuing a notice of proposed rulemaking may order a hearing thereon, but no such hearing shall be necessary unless otherwise required by law.

4. Any state agency which has issued in the Missouri Register a notice of proposed rulemaking to be made without a hearing, but which thereafter concludes that a hearing is desirable, shall withdraw the earlier notice and file a new notice of proposed rulemaking which fully complies with the provisions of subdivision (6) of subsection 2 of this section, and the state agency shall not schedule the hearing for a time less than thirty days following the publication of the new notice.

5. Within ninety days after the expiration of the time for filing statements in support of or in opposition to the proposed rulemaking, or within ninety days after the hearing on such proposed rulemaking if a hearing is held thereon, the state agency proposing the rule shall file with the secretary of state [an] **a final** order of rulemaking either adopting the proposed rule, with or without further changes, or withdrawing the proposed rule, which order shall be published in the Missouri Register. **Such ninety days shall be tolled for any rule held under abeyance pursuant to an executive order. If the agency fails to file the final order of rulemaking with the secretary of state within the time period specified within this subsection, the proposed rule shall lapse.** The order of rulemaking shall contain:

(1) Reference to the date and page or pages where the notice of proposed rulemaking was published in the Missouri Register;

(2) An explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change;

(3) The full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking;

(4) A brief summary of the general nature and extent of comments submitted in support of or in opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with said rulemaking, together with a concise summary of the state agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule.

6. Except as provided [in subsection 4 of section 536.023 and] in section 536.025, any rule, or amendment or rescission thereof, made after January 1, 1976, shall be void unless made in accordance with the provisions of this section.

7. **Except as provided in subsection 1 of this section,** all rules shall be published in full in the Missouri code of state regulations. No rule, except an emergency rule, may become effective prior to the thirtieth day after the date of publication of the revision to the Missouri code of state regulations. The secretary of state shall distribute revisions of the Missouri code of state regulations to all subscribers of the Missouri code of state regulations on or before the date of publication of such revision. The publication date of each rule shall be printed below the rule in the Missouri code of state regulations, provided further, that rules pertaining to changes in hunting or fishing seasons and limits that must comply with federal requirements or that are necessary because of documented changes in fish and game populations may become effective no earlier than on the tenth day after the filing of the order of rulemaking.

8. Effective September 1, 1990, if it is found in a contested case by an administrative or judicial fact finder that a state agency's action was based upon a statement of general applicability which should have been promulgated as a rule, as required by sections 536.010 to 536.050, and that agency was put on notice of such deficiency prior to the administrative or judicial hearing on such matter, then the administrative or judicial fact finder shall award the prevailing nonstate agency party its reasonable attorney's fees incurred prior to the award, not to exceed the amount in controversy in the original action. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the nonstate party prior to a finding by an administrative or judicial fact finder that the agency's action was based on a statement of general applicability which should have been promulgated as a rule, but was not, then the affected party may bring an action in the circuit court of Cole County for [his] **such party's** reasonable attorney's fees incurred prior to the relief being granted, not to exceed the amount in controversy in the original action.

9. The actions authorized by subsection 8 of this section shall not apply to the department of revenue if that department implements the authorization hereby granted to the director or [his] **the director's** duly authorized agents to issue letter rulings which shall bind [him or his] **the director or such** agents and their successors for a minimum of three years, subject to the terms and conditions set forth in properly published regulations. An unfavorable letter ruling shall not bind the applicant and shall not be appealable to any forum. Subject to appropriations, letter rulings shall be published periodically with information identifying the taxpayer deleted. For the purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a nonstate party.

536.022. 1. If any rule or portion of a rule of a state agency is suspended or terminated by action of [the general assembly,] the governor, a court or other authority, the state agency shall immediately file a notice of such action with the secretary of state.

2. The notice, in a format for publication designed by the secretary of state, shall contain the title and number of the rule; shall describe briefly the action taken with regard to the rule and the parties affected by the suspension or termination; shall state the effective date of the suspension or termination; shall state the duration of the suspension; and shall contain such other information deemed necessary by the secretary of state to provide adequate public information.

3. If any action has the effect of changing the information in the initial notice, the state agency shall immediately file a new notice with the secretary of state in the same manner as the original notice.

4. Notices shall be printed by the secretary of state in the Missouri Register as soon as practicable. The secretary of state shall insert in the code of state regulations material regarding the suspension or termination of rules, and [he] **the secretary of state** may remove rules which have terminated.

536.023. 1. The secretary of state shall prescribe**,** in writing**,** uniform procedures for the numbering, indexing, form and publication of all rules, notices of rulemaking and orders of rulemaking. Copies of the procedures [shall be furnished by the secretary of state to each state agency on or before January 1, 1976, and copies thereof] shall be permanently maintained in the office of the secretary of state and shall be available for public inspection at all reasonable times.

2. No rule, notice of proposed rulemaking or **final** order of rulemaking shall be accepted for filing with the secretary of state unless it conforms to said uniform procedures.

3. Each state agency shall adopt as a rule a description of its organization and general courses and methods of its operation and the methods and procedures whereby the public may obtain information or make submissions or requests. Substantial changes in any matter covered by the foregoing description shall be made only in accordance with the procedures set forth in sections 536.021 or 536.025.

[4. All rules on file with the secretary of state upon January 1, 1976, which do not conform to said uniform procedures, shall be rewritten so as to conform thereto and shall be refiled with the secretary of state not later than ninety days after January 1, 1976, and no rule shall be promulgated, amended or rescinded during said ninety-day period except pursuant to section 536.025. The original rules shall remain in effect until rewritten and refiled, and the rewritten rules shall become effective immediately upon refiling without following the provisions of section 536.021; provided, however, that any rule which is not so rewritten and refiled within ninety days after January 1, 1976, shall then lapse and be of no further force and effect unless and until it shall be promulgated in accordance with the provisions of section 536.021.]

536.024. 1. When the general assembly authorizes any state agency to adopt administrative rules or regulations pursuant to this section, the granting of such rulemaking authority and the validity of such rules and regulations is contingent upon the agency complying with the provisions of this section in promulgating such rules after June 3, 1994.

2. [No rule or portion of a rule promulgated under the authority of any provision of Missouri statutes shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

3.] Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the **joint** committee **on administrative rules**, which may hold hearings upon any proposed rule or portion thereof at any time.

[4.] **3.** A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. [If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

5. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

(1) An absence of statutory authority for the proposed rule;

(2) An emergency relating to public health, safety or welfare;

(3) The proposed rule is in conflict with state law;

(4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;

(5) The proposed rule is arbitrary and capricious.

6. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

7. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

8. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.

9.] **4. The committee may file with the secretary of state any comments that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.**

**5. The committee may refer comments concerning such rule to the appropriations and budget committee of the house of representatives and the appropriations committee of the senate for further action.**

**6.** The provisions of this section shall not apply to rules promulgated by the public service commission and the labor and industrial relations commission.

536.025. 1. A rule may be made, amended or rescinded by a state agency without following the provisions of section 536.021 [and subsection 5 of section 536.027], only if the state agency:

(1) Finds that an immediate danger to the public health, safety or welfare requires emergency action **or that the rule is necessary to preserve a compelling governmental interest**;

(2) Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances;

(3) Follows procedures which comply with the protections extended by the Missouri and United States Constitutions;

(4) Limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure; and

(5) At the time of or prior to the adoption of such rule files with the secretary of state and the joint committee

on administrative rules the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare **or that the rule is necessary to preserve a compelling governmental interest** which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

2. Material filed with the secretary of state and the joint committee on administrative rules under the provisions of subdivision (5) of subsection 1 of this section shall be published in the Missouri Register by the secretary of state as soon as practicable after the filing thereof. Any [emergency] rule **promulgated pursuant to this section** shall be reviewed by the secretary of state to determine compliance with the requirements for its publication and adoption established in this section, and in the event that the secretary of state determines that such proposed material does not meet those requirements, the secretary of state shall not publish the [emergency] rule. The secretary of state shall inform the agency of its determination, and offer the agency a chance to either withdraw the emergency rule or to have the emergency rule published as a proposed rule.

3. [If the joint committee disapproves any emergency rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No emergency rule or portion thereof disapproved by the committee shall take effect unless the senate and the house of representatives fail to ratify the action of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

4.] Rules adopted under the provisions of this section shall be known as "emergency rules" and shall, along with the findings and conclusions of the state agency in support of its employment of emergency procedures, be judicially reviewable under section 536.050 or other appropriate form of judicial review. The secretary of state and any employee thereof, acting in the scope of employment, shall be immune from suit in actions regarding the adoption of rules pursuant to this section.

[5.] **4.** A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect [and which, in no case, may be for a period exceeding one hundred eighty days]. **Emergency rules shall not be in effect for a period exceeding one hundred eighty calendar days or thirty legislative days, whichever period is longer. For the purposes of this section, a "legislative day" is each Monday, Tuesday, Wednesday and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.**

[6.] **5.** A rule adopted under the provisions of this section shall not be renewable, although a state agency may, at any time, adopt an identical rule under normal rulemaking procedures.

[7.] **6.** A rule adopted under the provisions of this section may be effective not less than ten days after the filing thereof in the office of the secretary of state, or at such later date as may be specified in the rule, and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable after the filing thereof.

[8.] **7.** Effective September 1, 1994, if it is found in a contested case by an administrative or judicial fact finder that a state agency's rule should not have been promulgated as an emergency rule as provided by this section, but was in fact promulgated as an emergency rule pursuant to this section, then the administrative or judicial fact finder shall award the [prevailing] party **who prevails, as defined in section 536.019,** its reasonable [attorney's fees incurred prior to the award, not to exceed the amount in controversy, if any, in the original action] **fees and expenses, as defined in section 536.019**. This award shall constitute a reviewable order. If a state agency in a contested case grants the relief sought by the party prior to a finding by an administrative or judicial fact finder that the state agency's action was based on a statement of general applicability which should not have been promulgated as an emergency rule, but was in fact promulgated as an emergency rule pursuant to this section, then the affected party may bring an action in circuit court of Cole County for his reasonable [attorney's fees incurred prior to the relief being granted, not to exceed the amount in controversy in the original action] **fees and expenses, as defined in section 536.019**.

[536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of

rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of

the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.]

536.031. 1. There is established a publication to be known as the "Code of State Regulations", which shall be published by the secretary of state as soon as practicable after ninety days following January 1, 1976, and may be republished from time to time thereafter as determined by the secretary of state.

2. The code of state regulations shall contain the full text of all rules of state agencies in force and effect upon the effective date of the first publication thereof, and effective September 1, 1990, it shall be revised no less frequently than monthly thereafter so as to include all rules of state agencies subsequently made, amended or rescinded **and the full text of any law enacted pursuant to section 21.800, RSMo**. The code may also include citations, references, or annotations, prepared by the state agency adopting the rule or by the secretary of state, to any intraagency ruling, attorney general's opinion, determination, decisions, order, or other action of the administrative hearing commission, or any determination, decision, order, or other action of a court interpreting, applying, discussing, distinguishing, or otherwise affecting any rule published in the code.

3. The code of state regulations shall be published in looseleaf form in one or more volumes and with an appropriate index and cover, and revisions in the text and index may be made by printing additional pages for insertion in the looseleaf cover.

4. The secretary of state may omit from the code of state regulations such rules and such material incorporated by reference in any rule the publication of which would be unduly cumbersome or expensive, provided that the full text of such rule or the full text of the material incorporated by reference is made available to any interested person at both the office of the secretary of state and the office of the adopting state agency, and copies thereof made available to any interested party at a cost not to exceed the actual cost of copy reproduction.

5. The courts of this state shall take judicial notice, without proof, of the contents of the code of state

regulations.

**536.046. Each agency may maintain a public rulemaking docket. The rulemaking docket may contain a listing of the precise subject matter of each rule that the agency is considering proposing. The docket may also contain the name and address of agency personnel with whom persons may communicate with respect to the matter and an indication of the present status within the agency of the rule the agency is considering proposing. The secretary of state may publish such rulemaking dockets.**

536.050. 1. The power of the courts of this state to render declaratory judgments shall extend to declaratory judgments respecting the validity of rules, or of threatened applications thereof, and such suits may be maintained against agencies whether or not the plaintiff has first requested the agency to pass upon the question presented. The venue of such suits against agencies shall, at the option of the plaintiff, be in the circuit court of Cole County, or in the county of the plaintiff's residence, or if the plaintiff is a corporation, domestic or foreign, having a registered office or business office in this state, in the county of such registered office or business office. Nothing herein contained shall be construed as a limitation on the declaratory or other relief which the courts might grant in the absence of this section.

2. Any person bringing an action under subsection 1 of this section shall not be required to exhaust any administrative remedy if the court determines that:

(1) The administrative agency has no authority to grant the relief sought or the administrative remedy is otherwise inadequate; or

(2) The only issue presented for adjudication is a constitutional issue or other question of law; or

(3) Requiring the person to exhaust any administrative remedy would result in undue prejudice because the person may suffer irreparable harm if unable to secure immediate judicial consideration of the claim. Provided, however, that the provisions of this subsection shall not apply to any matter covered by chapters 288, 302, and 303, RSMo.

**3. A party who prevails in an action brought pursuant to subsection 1 of this section shall be awarded reasonable fees and expenses, as defined in section 536.085, incurred by that party in the action.**

**4. A party seeking an award of fees and other expenses shall, within thirty days of a final disposition of an action brought pursuant to subsection 1 of this section, submit to the court which rendered the final disposition or judgment an application which shows that the party is a prevailing party and is eligible to receive an award pursuant to this section, and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing in behalf of the party stating the actual time expended and the rate at which fees and other expenses are computed.**

**5. A prevailing party in an agency proceeding shall submit an application for fees and expenses to the court before which the party prevailed. The filing of an application shall not stay the time for appealing the merits of a case. When the state appeals the underlying merits of an adversary proceeding, no decision on the application for fees and other expenses in connection with that adversary proceeding shall be made pursuant to this section until a final and unreviewable decision is rendered by the court on the appeal or until the underlying merits of the case have been finally determined pursuant to the appeal.**

**6. The court may either reduce the amount to be awarded or deny any award, to the extent that the prevailing party during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy.**

**7. The decision of a court on the application for reasonable fees and expenses shall be in writing, separate from the judgment or order of the court which determined the prevailing party, and shall include written findings and conclusions and the reason or basis therefor. The decision of a court on the application for fees and other expenses shall be final, subject respectively to appeal or judicial review.**

**8. If a party or the state is dissatisfied with a determination of fees and other expenses made in an action brought pursuant to subsection 1 of this section, that party or the state may, within the time permitted by law, appeal that order or judgment to the appellate court having jurisdiction to review the merits of that order or judgment. The appellate court's determination shall be based solely on the record made before the court**

**below. The court may modify, reverse or reverse and remand the determination of fees and other expenses if the court finds that the award or failure to make an award of fees and other expenses, or the calculation of the amount of the award, was arbitrary and capricious, was unreasonable, was unsupported by competent and substantial evidence, or was made contrary to law or in excess of the court's jurisdiction. Awards made pursuant to this section shall be payable from amounts appropriated therefor. The state agency against which the award was made shall request an appropriation to pay for the award.**

[Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

Section D. Because immediate action is necessary to properly oversee the laws of this state, section C of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section C of this act shall be in full force and effect upon its passage and approval.".

Representative Kelly (27) offered House Amendment No. 1 to House Amendment No. 7.

*House Amendment No. 1*

*to*

*House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 2, Section C, Line 3 of said section, by deleting the words "section 536.028" and replacing with "sections 376.1399 and 536.028",

Further amend said amendment, Page 2, Section C, Line 7 of said section, by inserting after the word "No. 335" and

"and Section 14 from Senate Amendment No. 26 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 335"

On motion of Representative Kelly (27), House Amendment No. 1 to House Amendment No. 7 was adopted.

On motion of Representative Kelly (27), House Amendment No. 7, as amended, was adopted.

Representative Kissell offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 31, Section 559.029, Line 3, by inserting immediately after said line the following:

"559.615. No judge[,] **or any other elected county official,** nor any person related within the third degree of consanguinity or affinity to a judge[,] **or any other elected county official,** may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Representative Shields offered House Substitute Amendment No. 1 for House Amendment No. 8.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 31, Section 559.029, Line 3, by inserting immediately after said line the following:

"559.615. No judge nor any person related within the third degree of consanguinity or affinity to a judge[,]**or any other elected county official with direct court supervision responsibilities,** may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Shields, House Substitute Amendment No. 1 for House Amendment No. 8 was adopted.

Representative Bartelsmeyer offered House Amendment No. 9.

Representative May (108) raised a point of order that House Amendment No. 9 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Parker offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 37, Line 13, by adding thereto the following:

115.575. 1. All contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution shall be **filed in and** heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred.

And further amend the title and enacting clause accordingly.

Representative Kauffman raised a point of order that House Amendment No. 9 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Parker, House Amendment No. 9 was adopted.

Representative Bland offered House Amendment No. 10.

Representative May (108) raised a point of order that House Amendment No. 10 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Dougherty offered House Amendment No. 10.

Representative May (108) raised a point of order that House Amendment No. 10 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Shields offered House Amendment No. 10.

Representative May (108) raised a point of order that House Amendment No. 10 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Pouche offered House Amendment No. 10.

Representative May (108) raised a point of order that House Amendment No. 10 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Long offered House Amendment No. 10.

Representative McLuckie raised a point of order that House Amendment No. 10 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Lograsso offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 29, Section 512.050, Lines 1-16, by deleting all of said lines and inserting in lieu thereof the following:

"512.050. When an appeal is permitted by law from a trial court and within the time prescribed, a party or his agent may appeal from a judgment or order by filing with the clerk of the trial court a notice of appeal. No such appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final [and]. All charges due to the court reporter for preparation of

the transcript of the record of the trial court [are] **shall be** paid within ten days of the [filing of the notice of appeal] **ordering of the transcript**. In the event that actual charges due for the preparation of the transcript cannot be readily determined, a deposit in the amount of the estimated charges due for preparation of the transcript shall be paid within ten days of the [filing of the notice of appeal] **written notification by the court reporter of the amount of such estimated charges. The court reporter shall provide such written notification within ten days of any request for transcript**. After a timely filing of such notice of appeal, failure of the appellant to take any of the further steps to secure the review of the judgment or order appealed from does not affect the validity of the appeal, but is ground for such action as the appellate court deems appropriate, which may include dismissal of the appeal. [The docket fee of ten dollars in the appellate court shall be deposited with the clerk of the trial court at the time of filing the notice of appeal.]"

On motion of Representative Lograsso, House Amendment No. 10 was adopted.

Representative Parker offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 248, Page 2, Section A, Line 13, by inserting immediately after said line the following:

"[56.765. 1. A fee of one dollar shall be assessed as costs in each court proceeding filed in any court in the state for violation of a criminal law of the state, including an infraction; except that no such fee shall be collected for nonmoving traffic violations, except violation of weight limit and safety laws, and no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state or county on behalf of an indigent defendant.

2. Fifty cents of every dollar collected under the provisions of subsection 1 of this section shall be at least monthly paid by the clerk of the court wherein the costs are collected to the county treasurer who shall credit the same to the "Prosecuting Attorneys Training Fund", which is hereby established. The county treasurer shall at least monthly transmit the total dollar amount in the prosecuting attorneys training fund to the state treasurer who shall deposit the amount to the credit of the "Missouri Office of Prosecution Services Fund" which is hereby created. The moneys credited to the Missouri office of prosecution services fund from each county shall be used only for the purposes set forth in sections 56.750, 56.755, and 56.760, and no other moneys from either the state's general revenue or any other source except the sources described in section 56.760 shall be used to fund the Missouri office of prosecution services. The revenues and expenditures of the Missouri office of prosecution services shall be subject to an annual audit to be performed by the Missouri state auditor. The Missouri office of prosecution services shall also be subject to any other audit authorized and directed by the state auditor.

3. Fifty cents of every dollar collected under the provisions of subsection 1 of this section shall be paid at least monthly by the clerk of the court wherein the costs are collected to the county treasurer who shall deposit all of such funds into the county treasury in a separate fund to be used solely for the purpose of additional training for circuit and prosecuting attorneys and their staffs. If the funds collected and deposited by the county are not totally expended annually for the purposes set forth in this subsection, then the unexpended moneys shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year, or at the request of the circuit or prosecuting attorney, with the approval of the county commission or the appropriate governing body of the county or the city of St. Louis, and may be used to pay for expert witness fees, travel expenses incurred by victim/witnesses in case preparation and trial, for expenses incurred for changes of venue, for expenses incurred for special prosecutors, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.]

56.765. 1. A surcharge of one dollar shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of a criminal or traffic law of the state, including an infraction; except that no such surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

2. One-half of the moneys collected under the provisions of subsection 1 of this section shall be payable to the state treasurer who shall deposit the amount to the credit of the "Missouri Office of the Prosecution Services Fund" which is hereby created. The moneys credited to the Missouri office of prosecution services fund from each county shall be used only for the purposes set forth in sections 56.750, 56.755, and 56.760, and no other moneys from either the state's general revenue or any other source except the sources described in section 56.760 shall be used to fund the Missouri office of prosecution services. **The Missouri office of prosecution**

**services may collect a registration fee to pay for actual expenses included in sponsoring training conferences.** The revenues and expenditures of the Missouri office of prosecution services shall be subject to an annual audit to be performed by the Missouri state auditor. The Missouri office of prosecution services shall also be subject to any other audit authorized and directed by the state auditor.

3. One-half of all the moneys collected under the provisions of subsection 1 of this section shall be payable to the county treasurer of each county from which such funds were generated. The county treasurer shall deposit all of such funds into the county treasury into a separate fund to be used solely for the purpose of additional training for circuit and prosecuting attorneys and their staffs. If the funds collected and deposited by the county are not totally expended annually for the purposes set forth in this subsection, then the unexpended moneys shall remain in said fund to accumulate from year to year, or at the request of the circuit or prosecuting attorney, with the approval of the county commission or the appropriate governing body of the county or the city of St. Louis, and may be used to pay for expert witness fees, travel expenses incurred by victim/witnesses in case preparation and trial, for expenses incurred for changes of venue, for expenses incurred for special prosecutors, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

**4. There is hereby established in the state treasury the "Missouri Office of Prosecution Services Revolving Fund". Any moneys received by or on behalf of the Missouri Office of Prosecution Services from registration fees, federal and state grants or any other source established in 56.760 in connection with the purposes set forth in sections 56.750, 56.755, and 56.760 shall be deposited into the fund.**

**5. The moneys in the Missouri Office of Prosecution Services revolving Fund shall be kept separate and apart from all other moneys in the state treasury. The state treasurer shall administer the fund and shall disburse moneys from the fund to the Missouri office of prosecution services pursuant to appropriations for the purposes set forth in sections 56.750, 56.755, and 56.760.**

**6. Any unexpected balance remaining in the fund at each biennium shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Parker, House Amendment No. 11 was adopted.

Representative Auer offered House Amendment No. 12.

House Amendment No. 12 was withdrawn.

On motion of Representative May (108), **HCS SS SB 248, as amended,** was adopted by the following vote:

AYES: 102

Auer Barnett 4 Barry 100 Bauer Bonner

Boucher Bray 84 Campbell Carter Champion

Clayton Copeland Crump Daniel 42 Daniels 41

Davis 122 Days DeMarce Donovan Evans

Farmer Farnen Fitzwater Foley Franklin

Fritts Gaskill Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hosmer

Howerton Johnson Kasten Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Liese Loudon Luetkenhaus Lumpe

May 108 Mays 50 McClelland McLuckie Merideth

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Purgason Ransdall Reinhart Relford Reynolds

Ridgeway Ross Scheve Schilling Seigfreid

Shear Shelton 57 Stokan Stoll Stroker

Summers Tate Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 049

Akin Alter Backer Ballard Bartelsmeyer

Bennett 15 Berkstresser Bland Boatright Broach

Burton Chrismer Cierpiot Cooper Crawford

Dolan Edwards-Pavia Elliott Enz Ford

Foster Froelker Gaston Hartzler 123 Hohulin

Hoppe Kauffman Kelley 47 Legan Levin

Linton Marble Miller Murphy Patek

Pryor Richardson Robirds Sallee Schwab

Scott Secrest Sheldon 104 Shields Skaggs

Steen Surface Townley Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 012

Davis 63 Dougherty Goward Hand Harlan

Lograsso Long McBride Rizzo Smith

Thompson 37 Wooten

On motion of Representative May (108), **HCS SS SB 248, as amended,** was read the third time and passed by the following vote:

AYES: 115

Auer Barnett 4 Barry 100 Bauer Bennett 15

Bland Bonner Boucher Bray 84 Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 122 Days DeMarce Donovan Dougherty

Enz Evans Farmer Farnen Fitzwater

Foley Foster Franklin Fritts Gaskill

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Holand Hollingsworth Hosmer Howerton Johnson

Kasten Kauffman Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Loudon

Luetkenhaus May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Ross

Scheve Schilling Schwab Scott Seigfreid

Shear Shelton 57 Stoll Stroker Summers

Tate Thomason 163 Treadway Troupe Van Zandt

Vogel Wannenmacher Williams 159 Wilson Mr. Speaker

NOES: 029

Akin Alter Backer Ballard Bartelsmeyer

Berkstresser Boatright Burton Crawford Dolan

Edwards-Pavia Elliott Ford Froelker Gaston

Hohulin Hoppe Marble Murphy Patek

Robirds Sallee Secrest Sheldon 104 Shields

Steen Surface Townley Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 019

Broach Davis 63 Goward Hand Harlan

Hickey Kelley 47 Linton Long Lumpe

McBride Nordwald Rizzo Skaggs Smith

Stokan Thompson 37 Williams 121 Wooten

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 129

Alter Auer Ballard Barnett 4 Barry 100

Bauer Bennett 15 Berkstresser Boatright Bonner
Boucher Bray 84 Broach Burton Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crawford Crump Daniel 42
Daniels 41 Davis 122 Days DeMarce Donovan
Dougherty Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hall Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Legan Levin
Liese Linton Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McClelland McLuckie
Miller Monaco Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Ransdall Reinhart Relford
Reynolds Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Shelton 57 Shields Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Treadway Troupe Van Zandt Vogel Wannenmacher
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 019

Akin Backer Bartelsmeyer Dolan Edwards-Pavia
Ford Hohulin Hoppe Leake Lograsso
Merideth Murphy Pryor Purgason Richardson
Ridgeway Sheldon 104 Steen Townley

PRESENT: 000

ABSENT WITH LEAVE: 015

Bland Davis 63 Elliott Goward Hagan-Harrell
Hand Harlan Long McBride Rizzo
Skaggs Smith Thompson 37 Wiggins Wooten

On motion of Representative Copeland, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw resumed the Chair.

**HCS SS SB 361**, relating to child support enforcement, was taken up by Representative Dougherty.

Representative Dougherty offered House Amendment No. 1.

Representative Elliott raised a point of order that House Amendment No. 1 is not germane to the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 1 was withdrawn.

Representative Dougherty offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 100, Section 454.1003.1(1), Line 5, by inserting immediately after the word "obligor" the words "**is not making child support payments in accordance with a court order and**"; and

Further amend said bill, Page 101, Section 454.1005.2, line 5 by inserting immediately after the word "respond" the commas and words "**, without good cause,**".

On motion of Representative Dougherty, House Amendment No. 1 was adopted.

Representative Dougherty offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 21, Section 379.116, Line 1-10, by deleting all of said section, and further amend the title and enacting clause accordingly.

**HCS SS SB 361, as amended, with HA 2, pending,** was laid over.

**BILLS IN CONFERENCE**

**CCR SCS HCS HB 11**, relating to appropriations, was taken up by Representative Lakin.

On motion of Representative Lakin, **CCR SCS HCS HB 11**, was adopted by the following vote:

AYES: 148

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Burton Campbell Carter Champion Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Davis 63 Davis 122 Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Farmer Farnen Fitzwater Foley
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Graham 24 Graham 106
Gratz Green Griesheimer Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McClelland McLuckie Merideth Miller
Monaco Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 008

Akin Broach Chrismer Evans Gross
Hall Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniels 41 Goward Hand McBride Smith
Thompson 37 Wooten

On motion of Representative Lakin, **CCS SCS HCS HB 11** was read the third time and passed by the following vote:

AYES: 146

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Burton Campbell Carter Champion Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gunn

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stokan

Stoll Stroker Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 008

Akin Broach Chrismer Gross Hall

Hohulin Linton Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniels 41 Goward Hand McBride Sallee
Smith Summers Thompson 37 Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Koller, title to the bill was agreed to.

Representative Lawson moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HB 13, as amended**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, **SCS HB 13, as amended,** was adopted by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Daniel 42 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Skaggs Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 011

Crump Daniels 41 Goward Hand Linton

McBride Shields Smith Thompson 37 Wiggins

Wooten

On motion of Representative Green, **SCS HB 13, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 151

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Shelton 57

Shields Skaggs Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 004

Akin Hohulin Merideth Sheldon 104

PRESENT: 000

ABSENT WITH LEAVE: 008

Bennett 15 Daniels 41 Goward Hand McBride

Smith Vogel Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Tate, title to the bill was agreed to.

Representative Stokan moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

**HB 15, with Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1 by the following vote:

AYES: 147

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kissell

Koller Kreider Lakin Lawson Leake

Levin Liese Linton Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 002

Akin Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 014

Daniels 41 Goward Green Hand Hegeman

Kelly 27 Kennedy Legan Lograsso McBride

Pouche Smith Thompson 37 Wooten

On motion of Representative Lumpe, **HB 15, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 147

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Edwards-Pavia

Elliott Enz Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Shelton 57 Shields Skaggs Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 002

Akin Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 014

Daniels 41 Dougherty Evans Goward Hand

Harlan Hollingsworth Kelly 27 McBride Murphy

Sheldon 104 Smith Thompson 37 Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Liese, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**HB 17, with Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 150

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Akin Hall Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 41 Goward Hand Hollingsworth Kelly 27

McBride Reinhart Smith Thompson 37 Wooten

On motion of Representative Lumpe, **HB 17, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 149

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 003

Akin Hall Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 011

Bland Daniels 41 Edwards-Pavia Gaskill Goward

Hand Kelly 27 McBride Smith Thompson 37

Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Fitzwater moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HB 19, with Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Committee Amendment No. 1 by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser
Bland Boatright Bonner Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Lumpe Marble May 108 Mays 50
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bennett 15 Boucher Daniels 41 Edwards-Pavia Goward

Hand McBride Smith Thompson 37 Wooten

On motion of Representative Lumpe, **HB 19, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 147

Alter Auer Backer Ballard Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Relford Reynolds Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 002

Akin Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnett 4 Champion Daniels 41 Froelker Goward

Gunn Hand Lograsso McBride Reinhart

Richardson Smith Thompson 37 Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative Barry moved that motion lay on the table.

The latter motion prevailed.

**SS SCS HS HCS HB 335, as amended**, relating to managed health care, was taken up by Representative Harlan.

Representative Harlan moved that the House refuse to adopt **SS SCS HS HCS HB 335, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**THIRD READING OF SENATE BILLS**

**HCS SS SB 361**, **as amended, with House Amendment No. 2, pending**, relating to child support enforcement, was again taken up by Representative Dougherty.

On motion of Representative Dougherty, House Amendment No. 2 was adopted.

Representative Dougherty offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 16, Section 288.250, Line 10, by inserting immediately before the words "In addition" the following words: "**Further, upon receipt of a written request from a claimant or his or her authorized representative, the division shall supply information previously submitted to the division by the claimant, the claimant's wage history and the claimant's benefit payment history.**";

and further amend said bill, Page 16, Section 288.250, Line 11 by inserting immediately after the word "information" the words "**previously submitted to the division by the employing unit, and information**".

On motion of Representative Dougherty, House Amendment No. 3 was adopted.

**HCS SS SB 361, as amended**, was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 11**, and has taken up and passed **CCS HB 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position and request the House to grant a further conference on **SCS HCS HB 10** without restrictions.

**MOTION**

Representative Lumpe moved that the House refuse to adopt **SCS HCS HB 10** and requests the Senate to grant the House further conference without restrictions.

Representative Lograsso requested a division of the question.

**Part I**

Request Senate grant the House further conference.

**Part II**

Without restrictions on **SCS HCS HB 10**.

On motion of Representative Lumpe, **Part I** of motion was adopted.

Representative Lumpe made a substitute motion for **Part II,** that the conferees be allowed to exceed the differences only in Sections 10.685 and 10.690 and not be bound.

Which motion was adopted.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HS HCS HB 335 as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 132 as amended**, and has taken up and passed **HCS SB 132 as amended by the CCR**.

Emergency Clause adopted.

**THIRD READING OF SENATE BILLS**

**HCS SS SB 361**, **as amended**, relating to child support enforcement, was again taken up by Representative Dougherty.

Representative Hollingsworth offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 1, In the Title, Line 14, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 2, Section A, Line 12, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 2, Section A, Line 33, by deleting the word and number "and 5" and inserting in lieu thereof the numbers and word ", 5 and 6"; and

Further amend said bill, Page 108, Section 5, Line 17, by inserting after all of said line the following:

"**Section 6. No person shall willfully and intentionally make to the Division of Child Support Enforcement, a law enforcement official, or a circuit or prosecuting attorney, a false claim of delinquent child support. Any person who violates the provisions of this section is guilty of a class A misdemeanor.**".

Representative Stokan offered House Substitute Amendment No. 1 for House Amendment No. 4.

Representative Hollingsworth raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 4 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

**HCS SS SB 361, as amended, with House Amendment No. 4, pending**, was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HA 1, 2, 3 & 4 to SB 89 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SS SB 121 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has returned **SCS HCS HB 10** for the purposes of adopting the original **CCR**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 18**, entitled:

An act to appropriate money for planning, expenses, lease-purchases, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the House is respectfully requested.

**MOTION**

Representative Carter moved that **CCR SCS HCS HB 10** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Auer Backer Bauer Bland Boucher

Bray 84 Campbell Carter Clayton Copeland

Daniel 42 Daniels 41 Davis 63 Davis 122 Days
Dougherty Farmer Farnen Fitzwater Ford
Franklin Fritts Graham 24 Gunn Hagan-Harrell
Harlan Heckemeyer Hollingsworth Hosmer Kauffman
Kelly 27 Koller Kreider Lakin Lawson
Lumpe May 108 Mays 50 McClelland McLuckie
Monaco Ostmann Parker Ransdall Relford
Scheve Schilling Seigfreid Shear Shelton 57
Skaggs Stokan Stroker Tate Thomason 163
Thompson 37 Van Zandt Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 094

Akin Alter Ballard Barnett 4 Barry 100
Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner
Broach Champion Chrismer Cierpiot Cooper
Crawford Crump DeMarce Dolan Donovan
Edwards-Pavia Elliott Enz Evans Foley
Foster Froelker Gaskill Gaston Gibbons
Graham 106 Gratz Green Griesheimer Gross
Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson
Hickey Hohulin Holand Hoppe Howerton
Johnson Kasten Kelley 47 Kennedy Kissell
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Marble
Merideth Miller Murphy Murray Naeger
Nordwald O'Connor O'Toole Overschmidt Patek
Pouche Pryor Purgason Reinhart Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Schwab Scott Secrest Sheldon 104
Steen Stoll Summers Surface Townley
Treadway Vogel Wannenmacher Wiggins

PRESENT: 000

ABSENT WITH LEAVE: 008

Burton Goward Hand McBride Shields
Smith Troupe Wooten

Representative Luetkenhaus moved that the House refuse to adopt **CCR SCS HCS HB 10** and request the Senate grant the House a further conference.

Which motion was adopted.

**HOUSE BILL WITH SENATE AMENDMENT**

**SCS HCS HB 18**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, **SCS HCS HB 18** was adopted by the following vote:

AYES: 131

Alter Auer Backer Ballard Barnett 4

Barry 100 Bauer Bennett 15 Berkstresser Bonner

Boucher Broach Burton Campbell Carter

Champion Chrismer Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Gibbons

Gratz Green Griesheimer Gunn Hagan-Harrell

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Long Luetkenhaus Lumpe May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Relford Reynolds Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Secrest Seigfreid Shear Shelton 57 Shields

Skaggs Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Mr. Speaker

NOES: 027

Akin Bartelsmeyer Bland Boatright Bray 84

Cierpiot Crawford Froelker Graham 24 Graham 106

Gross Hall Harlan Hohulin Linton

Lograsso Loudon Marble Reinhart Ridgeway

Scott Sheldon 104 Steen Thompson 37 Troupe

Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 005

Goward Hand McBride Smith Wooten

On motion of Representative Lumpe, **SCS HCS HB 18** was truly agreed to and finally passed by the following vote:

AYES: 134

Alter Auer Backer Ballard Barnett 4

Barry 100 Bauer Bennett 15 Berkstresser Bonner

Boucher Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Gaskill Gaston

Gibbons Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Long

Luetkenhaus Lumpe May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Shelton 57 Skaggs Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Mr. Speaker

NOES: 023

Akin Bartelsmeyer Bland Boatright Bray 84

Crawford Froelker Graham 24 Hall Harlan

Hohulin Linton Lograsso Loudon Marble

Reinhart Scott Sheldon 104 Steen Thompson 37

Troupe Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 006

Goward Hand McBride Shields Smith

Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative Treadway moved that motion lay on the table.

The latter motion prevailed.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House that the Senate refuses to grant further conference on **SCS HCS HB 10**, and requests that the House recede from its position and take up and adopt the **CCR** and pass **CCS** for **HB 10**.

**MOTION**

Representative Carter moved that the House refuse to adopt **CCR SCS HCS HB 10** and request the Senate to recede from its position or, failing to do so, grant the House a further conference and the conferees be allowed to exceed the differences in Sections 10.685 and 10.690.

Which motion was adopted.

Representative Lograsso raised a point of order that the motion is untimely.

Speaker Gaw informed Representative Lograsso that his point of order would be recorded.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the **CCR on HS HCS SB 142, as amended**, and has taken up and passed **CCS HS HCS SB 142**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to adopt the **CCR on HCS HBs 600 & 388 as amended**, and requests the House grant further conference.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 304**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 347, as amended**, and has taken up and passed **CCS HCS SB 347**.

**THIRD READING OF SENATE BILL**

**HCS SS SB 361**, **as amended, with House Amendment No. 4, pending**, relating to child support enforcement, was again taken up by Representative Dougherty.

Representative Ridgeway offered House Substitute Amendment No. 1 for House Amendment No. 4.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 1, In the Title, Line 14, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 2, Section A, Line 12, by deleting the word "thirty-seven" and inserting in lieu thereof the word "thirty-eight"; and

Further amend said bill, Page 2, Section A, Line 33, by deleting the word and number "and 5" and inserting in lieu thereof the numbers and word ", 5 and 6"; and

Further amend said bill, Page 108, Section 5, Line 17, by inserting after all of said line the following:

Section 6

If a person willfully and intentionally makes to the Division of Child Support Enforcement a false claim of delinquent child support, or arrearage, the Division of Child Support Enforcement shall report the incident to the circuit or prosecuting attorney of the county or circuit where such false claim was made pursuant to RSMo 575.050, 575.060 or 575.080.

**HCS SS SB 361, as amended, with House Substitute Amendment No. 1 for House Amendment No. 4, pending,** was laid over.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House further conference on **SCS HCS HB 10** and the conferees are allowed to exceed the differences in sections 10.685 and 10.690. Conferees on **SCS HCS HB 10**: Lybyer, Goode, Wiggins, Singleton and Russell.

**RE-APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**SCS HCS HB 10**: Representatives Lumpe, Carter, Foley, Burton and Shields

**CONFERENCE COMMITTEE REPORT #2**

**ON**

**HOUSE BILL NO. 10**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, and that the Senate recede from its position on House Committee Substitute for House Bill No. 10, as amended, and that Conference Committee Substitute for House Bill No. 10, and Conference Committee Amendment No. 1 to Conference Committee Substitute for House Bill No. 10, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Sheila Lumpe /s/ Mike Lybyer

/s/ Paula Carter /s/ Harry Wiggins

/s/ James Foley /s/ Wayne Goode

Gary Burton /s/ John T. Russell

/s/ Charlie Shields Marvin Singleton

*Conference Committee Amendment No. 1*

AMEND Conference Committee Substitute for House Bill No. 10; Pages 44 and 45; Sections 10.685 and 10.690;

by deleting all of said sections and inserting in lieu thereof the attached:

Section 10.685. To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of the funds may be expended for the purpose of performing, assisting or encouraging an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to **a facility which performs, assists, promotes, encourages or refers for abortions**.

2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing and follow-up services provided directly by the division of maternal, child and family health or provided directly by public health entities through contractual agreement with the division, provided that none of these funds may be expended for the purpose of encouraging or referring for abortion;

For the purposes of this section public health entities shall be defined as:

Federally Qualified Health Centers, Rural Health Centers, Community Mental Health Centers, city health

departments, county health departments, community action agencies, and rural public health departments.

From General Revenue Fund $5,018,639

From Federal Funds $1,464,819

Total $6,483,458

10.690. To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding alternatives to abortion services as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of the funds may be expended for the purpose of performing, assisting, encouraging, or referring for an abortion and further provided that none of the funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of the funds may be granted to organizations or affiliates of organizations which provide or promote abortions.

2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 shall have no effect.

3. For the purpose of funding alternatives to abortion services provided directly by the division of maternal, child and family health or provided directly by public health entities through contractual agreement with the division, as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of these funds may be expended for the purpose of encourage or referring for abortion.

From General Revenue Fund $900,000

**MOTION**

Representative Carter moved that Rule 60(b) be suspended and that **CCR #2 SCS HCS HB 10** be adopted.

Representative Lograsso raised a point of order that taking up **CCR #2 SCS HCS HB 10** after 6:00 p.m. is in violation of the Constitution.

Speaker Gaw informed Representative Lograsso that his objection would be recorded, and that he could file a constitutional objection.

Representative Shields offered a technical amendment.

The technical amendment was withdrawn.

Representative Carter again moved that Rule 60(b) be suspended and **CCR #2 SCS HCS HB 10** be adopted.

Which motion was defeated by the following vote:

AYES: 041

Backer Bauer Bland Carter Clayton

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days Dougherty Farmer Farnen

Fitzwater Foley Franklin Fritts Green

Gunn Hagan-Harrell Heckemeyer Hollingsworth Hosmer

Koller Kreider Leake Lumpe May 108

Mays 50 Seigfreid Shear Shelton 57 Shields

Skaggs Stokan Stroker Wiggins Williams 121

Mr. Speaker

NOES: 105

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright

Bonner Boucher Bray 84 Broach Burton

Campbell Champion Chrismer Cierpiot Cooper

Crawford DeMarce Dolan Donovan Edwards-Pavia

Elliott Enz Evans Foster Froelker

Gaskill Gibbons Graham 24 Graham 106 Gratz

Griesheimer Gross Hall Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Holand

Hoppe Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Lakin

Lawson Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus McClelland

McLuckie Merideth Miller Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Pouche Purgason Ransdall Reinhart

Relford Reynolds Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Sheldon 104 Steen Stoll

Summers Surface Tate Townley Treadway

Van Zandt Vogel Wannenmacher Williams 159 Wilson

PRESENT: 010

Gaston Hohulin Marble Monaco Parker

Patek Pryor Ridgeway Thomason 163 Thompson 37

ABSENT WITH LEAVE: 007

Ford Goward Hand McBride Smith

Troupe Wooten

**SENATE BILL FOR THIRD READING**

**HCS SS SB 361, as amended, with House Substitute Amendment No. 1 for House Amendment No. 4, and House Amendment No. 4, pending,** relating to child support enforcement, was again taken up by Representative Dougherty.

House Substitute Amendment No. 1 for House Amendment No. 4 was withdrawn.

House Amendment No. 4 was withdrawn.

Representative Hosmer offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 22, Section 451.040, Line 25, by inserting after all of said line the following:

"451.100. Marriages may be solemnized by any clergyman, either active or retired, who is in good standing with any church or synagogue in this state or by any judge [of a court of record, other than]**, including** a municipal judge. Marriages may also be solemnized by a religious society, religious institution, or religious organization of this state, according to the regulations and customs of the society, institution or organization, when either party to the marriage to be solemnized is a member of such society, institution or organization."; and

Further amend the title and enacting clause accordingly.

Representative Dougherty raised a point of order that House Amendment No. 4 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Hosmer moved that House Amendment No. 4 be adopted.

Which motion was defeated.

**HCS SS SB 361, as amended,** was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 655 as amended**, and has taken up and passed **CCS SCS HB 655**.

Emergency Clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS HBs 424 & 534 as amended**, and has taken up and passed **HCS HBs 424 & 534 as amended**.

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 142**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for House Committee Substitute for Senate Bill No. 142, with House Amendment Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 142, as amended;

2. That the Senate recede from its position on Senate Bill No. 142;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 142 be truly agreed and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Brian May /s/ Ronnie DePasco

/s/ Jim O'Toole /s/ William P. McKenna

/s/ Henry Rizzo /s/ Harold Caskey

/s/ Phil Wannenmacher /s/ Marvin Singleton

/s/ Doug Gaston /s/ Walt Mueller

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 816**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 816, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for House Bill No. 816;

2. That the attached Conference Committee Amendment No. 1 to Senate Committee Substitute for House Bill No. 816 be adopted;

3. That the Senate Committee Substitute for House Bill No. 816 with Conference Committee Amendment No. 1 be passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Marilyn Williams /s/ Mike Lybyer

/s/ Doug Gaston /s/ Jerry Howard

/s/ Ken Legan /s/ James Mathewson

/s/ Sam Leake /s/ Marvin Singleton

/s/ Larry Thomason /s/ Doyle Childers

*Conference Committee Amendment No. 1*

AMEND Senate Committee Substitute for House Bill No. 816, Page 4, Section 650.325, Line 2, by inserting immediately before the word "**Committee**" the following: "**Advisory**"; and

Further amend said bill, Page 6, Section 650.330, Line 63, by inserting immediately before the word "**mediation**" the word "**requested**"; and

Further amend said bill, Page 6, Section 650.330, Line 64, by inserting immediately after the word "**services**" the following: "**, however, said committee shall not supersede decision making authority of local political subdivisions in regard to 911 services**".

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 347**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 347, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 347, with House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3;

2. That the Senate recede from its position on Senate Bill No. 347;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 347 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Craig Hosmer /s/ J. B. "Jet" Banks

/s/ Paula Carter /s/ Harry Wiggins

/s/ Henry Rizzo /s/ Danny Staples

/s/ Connie Cierpiot /s/ Betty Sims

/s/ Dave Broach /s/ Roseann Bentley

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 132**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 132, with House Amendments Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendments Nos. 3 and 4 to House Committee Substitute for Senate Bill No. 132;

2. That the Senate recede from its position on House Amendments Nos. 1 and 2 to House Committee Substitute for Senate Bill No. 132;

3. That Conference Committee Amendment No. 1 be adopted.

4. That the House Committee Substitute for Senate Bill No. 132, with House Amendments Nos. 1 and 2 and the attached Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Rita D. Days /s/ Danny Staples

/s/ May Scheve /s/ William P. McKenna

/s/ Larry Thomason /s/ Mike Lybyer

/s/ Beth Long /s/ Sam Graves

/s/ Catherine Enz /s/ Morris Westfall

*Conference Committee Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 132, Page 31, Section 115.284, Line 34, by inserting after the word "ballot" the word "**application**"; and

Further amend said bill, Page 53, Section 116.160, Line 6, by inserting immediately after the word "prepare" the following: "**and transmit to the attorney general**"; and

Further amend said bill, Page 53, Section 116.160, Line 11, by inserting after the word "bill" the following:

"**. The attorney general shall within ten days approve the legal content and form of the proposed statement**"; and

Further amend said bill, Page 56, Section 116.334, Lines 3-4, by striking the following: "or upon receipt of a joint resolution or a bill referred by the general assembly to a vote of the people,".

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 12:00 noon, May 12, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixty-Eighth Day, Thursday, May 8, 1997, page 1709, Lines 33 and 34, by deleting "April 9, 1997" and inserting in lieu thereof "May 9, 1997".

Page 1661, roll call, by showing Representatives Froelker, Kelly (27) and Surface voting "aye" rather than "absent with leave".

Page 1662, roll call, by showing Representatives Hosmer and Kelly (27) voting "aye" rather than "absent with leave".

Page 1663, roll call, by showing Representatives Kelly (27) and Purgason voting "aye" rather than "absent with leave".

Pages 1663 and 1664, roll call, by showing Representatives Bennett (15) and Kelly (27) voting "aye" rather than "absent with leave".

Pages 1664 and 1665, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 1665 and 1666, roll call, by showing Representatives Barry, Campbell, Champion, Gibbons, Mays (50) and Kelly (27) voting "aye" rather than "absent with leave".

Page 1666, roll call, by showing Representatives Gibbons and Howerton voting "aye" rather than "absent with leave".

Page 1674, roll call, by showing Representatives Edwards-Pavia and Nordwald voting "aye" rather than "absent with leave".

Page 1674, roll call, by showing Representative Boucher voting "no" rather than "absent with leave".

Pages 1674 and 1675, roll call, by showing Representatives Boucher, Edwards-Pavia, Hollingsworth, Nordwald, Thomason (163) and Williams (121) voting "aye" rather than "absent with leave".

Pages 1674 and 1675, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Pages 1677 and 1678, roll call, by showing Representatives Hosmer, Kennedy and Surface voting "aye" rather than "absent with leave".

Pages 1677 and 1678, roll call, by showing Representatives Luetkenhaus, Barnett (4), Crawford, Gibbons and Relford voting "present" rather than "absent with leave".

Pages 1690 and 1691, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

Pages 1691 and 1692, roll call, by showing Representatives Kreider and Williams (121) voting "aye" rather than "absent with leave".

Pages 1693 and 1694, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1694 and 1695, roll call, by showing Representatives Barnett and Kelly (27) voting "aye" rather than "absent with leave".

Pages 1695 and 1696, roll call, by showing Representatives Edwards-Pavia, Chrismer and Hosmer voting "aye" rather than "absent with leave".

Pages 1695 and 1696, roll call, by showing Representative Hall voting "aye" rather than "no".

Page 1696, roll call, by showing Representatives Barnett (4), Bennett (15), Robirds and Shields voting "aye" rather than "absent with leave".

Page 1701, roll call, by showing Representative Gaskill voting "aye" rather than "absent with leave".

Page 1701, roll call, by showing Representative Hosmer voting "no" rather than "absent with leave".

Page 1702, roll call, by showing Representatives Mays (50) and Parker voting "aye" rather than "absent with leave".

Pages 1702 and 1703, roll call, by showing Representatives Hoppe and Mays (50) voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

ACCOUNTS, OPERATIONS, AND FINANCE

Tuesday, May 13, 1997, 9:00 am. Hearing Room 7.

BUDGET

Monday, May 12, 1997, 10:00 am. Hearing Room 9. Executive session on

previously heard bills.

To be considered - SB 72, SB 140

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Monday, May 12, 1997, 10:30 am. Hearing Room 7. Review of Capitol and

Capital complex enhanced security.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Monday, May 12, 1997, 11:00 am. Hearing Room 5. Executive session may follow.

To be considered - SB 376

**HOUSE CALENDAR**

SEVENTIETH DAY, MONDAY, MAY 12, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending - Shear

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HS HCS HB 349, as amended, HS, adopted, pending - Koller

10 HCS HB 723, 789 & 372, as amended - Dougherty

**HOUSE BILLS FOR THIRD READING**

HB 135, (Budget Fiscal 4-30-97) - Dougherty

HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

HS HCS HB 282 - Kissell

**SENATE BILLS FOR THIRD READING**

1 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn

2 HCS SS SCS SB 165, (Budget Fiscal 5-6-97) - Rizzo

3 HCS SB 21, E.C. - Hoppe

4 HCS SS SB 361, as amended, E.C. - Dougherty

5 SB 128 - Liese

6 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty

7 SCS SB 49, 213, 130, 32, 235 & 221, HCAs 1, 2, 3, 4, (Budget Fiscal 5-5-97) - Crump

8 SB 358, HCAs 1, 2, 3, - Gratz

9 HCS SS SB 208, (Budget Fiscal 5-6-97) - Scheve

10 HCS SCS SB 79 - Thomason (163)

11 HCS SB 320 - McBride

12 HCS SCS SB 140, (Budget Fiscal 5-9-97) - Koller

13 SS SCS SB 274, HCA 1 - Barry

14 HCS SS SCS SB 386 & 372, E.C. - Smith

15 HCS SCS SB 457 & 458 - Clayton

16 SB 216, HCA 1 - Boatright

17 SCS SB 319, HCA 1 - Carter

18 HCS SS SCS SB 345 - Treadway

19 SB 171 - May (108)

20 SCS SB 258 & 228 - Rizzo

21 SB 187, HCAs 1 and 2 - Sallee

22 HCS SB 72, (Budget Fiscal 5-8-97) - Wiggins

23 SS SB 275 - O'Connor

24 HCS SS SCS SB 327, E.C. - Lakin/Richardson

25 HCS SS SB 466 - Shelton (57)

**BILLS CARRYING REQUEST MESSAGES**

1 SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

2 SCS HS HB 390, a.a. (Req. Sen. rec/grant House conf.) - Hoppe

3 SS HB 791, (Req. Sen. rec/grant House conf.) - Stoll

4 SCS HS HCS HB 69 & 179 & HCS HB 669, a.a. E.C.

(Req. Sen. rec/grant House conf) - Hosmer

5 CCR HCS HB 600 & 388, (Req. House grant Sen. further conf.) - Carter

6 HS HCS SCS SB 89, HA. 1, 2, 3, 4, (Req. House rec/grant Sen. conf.) - Legan

7 HS HCS SS SB 121, a.a. (Req. House rec/grant Sen. conf.) - Williams (121)

**BILLS IN CONFERENCE**

1 CCR SCS HCS HB 12, as amended, - Green/Franklin

2 HCS#2 SB 161 - Kelly (27)

3 HCS SCS SB 316 - Hoppe

4 CCR HCS SB 387, E.C. - Smith

5 CCR HS HCS SCS SB 16, as amended - Backer

6 SS SCS HB 491, as amended, - Gaw

7 HS HCS SB 218 - Crump

8 CCR HCS SB 132, as amended, - Days

9 CCR HCS SB 347, as amended, - Hosmer

10 CCR HS HCS SB 142, as amended, - May (108)

11 SB 315, as amended, - Koller

12 SCS HB 394 - Loudon

13 CCR SCS HB 816 - Williams (159)

14 SS SCS HS HCS HB 335, as amended, - Harlan

**SENATE CONCURRENT RESOLUTION**

SCR 21, (4-10-97, pgs. 1033 & 1034) -

**HOUSE RESOLUTIONS**

HR 725, (4-30-95, pg. 1458) - Gratz

HR 621, HCA 1 (5-7-97) - Murray

HR 995, (5-6-97, pg. 1598) - Kennedy

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTIETH DAY, Monday, May 12, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"You number my steps..." (Job. 14:16)

There are 86 steps from the basement to the third floor here, and a further 21 to the fourth floor. I have walked them almost every day that I have been over here this session.

Gracious God, there are some days when the climb of life is so easy, other days leave us huffing and puffing. This session, as all the others, gave us days when we barely notice the effort and some days (or for some issues), when we wonder if we need to stop, or go back and start over with an easier way to get where we want to go.

Guide us with all the patience, self-control and wisdom we need this last week before the special session with all of its uncertainties. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Melanie Lafferty, Cori Breen, Pat Wilmes, Dan Prouhet, Jennifer Degenhardt, Claire Armstrong, Caleb Borland and Christopher Shih.

The Journal of the sixty-ninth day was approved as corrected.

**RESOLUTIONS**

Representative Gaw offered House Resolution No. 1211, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Barry offered House Resolution No. 1212, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crawford offered House Resolution Nos. 1213 and 1214, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crump offered House Resolution No. 1215, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution Nos. 1216 through 1229, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McBride offered House Resolution Nos. 1230 and 1231, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Robirds offered House Resolution No. 1232, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bennett offered House Resolution Nos. 1233 and 1234, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McBride offered House Resolution No. 1235, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SS SCS SB 165 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **CCS HB 6, CCS HB 7, CCS HB 9** and **HB 105**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HBs 424** and **534**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HJR 9, HB 129** and **HCS HB 459**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 1167** - Accounts, Operations, and Finance

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**HCS SCS SBs 457 & 458** - Budget (Fiscal Note)

**HCS SB 169** - Budget (Fiscal Note)

**HCS SCS SB 251** - Budget (Fiscal Note)

**BILLS CARRYING REQUEST MESSAGES**

**HCS HBs 600 & 388**, relating to health insurance coverage, was taken up by Representative Carter.

Representative Carter moved that the House grant the Senate a further conference on **HCS HBs 600 & 388** and that the conferees be allowed to exceed the differences.

Which motion was adopted.

**HS HCS SCS SB 89, as amended,** relating to regional jail districts, was taken up by Representative Legan.

Representative Legan moved that the House refuse to recede from its position on **HS HCS SCS SB 89, as amended,** and grant the Senate a conference.

Which motion was adopted.

**HS HCS SS SB 121, as amended,** relating to seat belts and riding in truck beds, was taken up by Representative Williams (121).

Representative Williams (121) moved that the House refuse to recede from its position on **HS HCS SS SB 121, as amended,** and grant the Senate a conference.

Which motion was adopted.

**BILLS IN CONFERENCE**

**CCR HCS SB 132, as amended,** relating to elections, was taken up by Representative Days.

On motion of Representative Days, **CCR HCS SB 132, as amended,** was adopted by the following vote:

AYES: 098

Auer Backer Barry 100 Bartelsmeyer Bauer

Bennett 15 Bonner Boucher Bray 84 Campbell

Carter Clayton Cooper Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Donovan Dougherty Farmer Farnen

Fitzwater Foley Ford Franklin Fritts

Goward Graham 24 Gratz Green Gunn

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Lograsso

Long Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Miller Monaco

Murray O'Connor O'Toole Ostmann Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Ross Sallee Scheve Schilling Scott

Seigfreid Shear Shelton 57 Skaggs Smith

Stokan Stoll Stroker Tate Thomason 163

Treadway Troupe Van Zandt Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 058

Akin Alter Ballard Barnett 4 Berkstresser

Boatright Broach Burton Champion Chrismer

Cierpiot Crawford Dolan Edwards-Pavia Elliott

Enz Evans Foster Froelker Gaskill

Gaston Gibbons Graham 106 Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Howerton Legan Levin Linton

Loudon Marble Merideth Murphy Naeger

Nordwald Patek Pouche Pryor Purgason

Reinhart Richardson Ridgeway Robirds Schwab

Secrest Shields Steen Summers Surface

Townley Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 007

Bland Hand Holand Kelly 27 Sheldon 104

Thompson 37 Wiggins

On motion of Representative Days, **HCS SB 132 as amended by the CCR,** was truly agreed to and finally passed by the following vote:

AYES: 136

Akin Alter Auer Backer Bartelsmeyer

Bauer Bennett 15 Berkstresser Bland Boatright

Bonner Bray 84 Broach Burton Campbell

Carter Champion Cierpiot Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Levin Liese Linton Long Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Richardson Ridgeway Rizzo Ross Sallee
Scheve Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Williams 159 Wilson Wooten
Mr. Speaker

NOES: 012

Ballard Barnett 4 Chrismer Crawford Froelker
Hohulin Lograsso Loudon Murphy Robirds
Shields Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 015

Barry 100 Boucher Edwards-Pavia Farmer Gunn
Hand Holand Kelly 27 Legan Reynolds
Schilling Schwab Thompson 37 Wiggins Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hoppe, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HB 816**, relating to emergency telephone boards, was taken up by Representative Williams (159).

On motion of Representative Williams (159), **CCR SCS HB 816** was adopted by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kennedy Kissell Koller Kreider
Lakin Lawson Leake Legan Levin
Liese Linton Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Williams 159
Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 009

Boucher Farmer Hand Holand Kelly 27

Lograsso Thompson 37 Wiggins Williams 121

On motion of Representative Williams (159), **SCS HB 816, as amended by the CCR,** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Liese Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Williams 159 Wilson

Wooten Mr. Speaker

NOES: 002

Hohulin Levin

PRESENT: 000

ABSENT WITH LEAVE: 014

Bland Donovan Farmer Gunn Hand
Holand Kelly 27 Linton Lograsso Scott
Tate Thompson 37 Wiggins Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Crump moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SB 142, as amended**, relating to court proceedings, was taken up by Representative May (108).

On motion of Representative May (108), **CCR HS HCS SB 142, as amended,** was adopted by the following vote:

AYES: 147

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Harlan
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Williams 159

Wilson Wooten

NOES: 006

Akin Boatright Froelker Hohulin Murphy

Patek

PRESENT: 000

ABSENT WITH LEAVE: 010

Crump Hand Holand Kelly 27 Lograsso

Skaggs Thompson 37 Wiggins Williams 121 Mr. Speaker

On motion of Representative May (108), **CCS HS HCS SB 142** was truly agreed to and finally passed by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Long Loudon Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Ransdall Reinhart Relford Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Troupe
Van Zandt Vogel Wannenmacher Williams 159 Wilson
Wooten

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84 Daniels 41 Dolan Hand Holand
Kelly 27 Lograsso Purgason Reynolds Schilling
Skaggs Thompson 37 Wiggins Williams 121 Mr. Speaker

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**CCR HCS SB 347, as amended,** relating to HIV and prostitution, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **CCR HCS SB 347, as amended,** was adopted by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Cooper Copeland Crawford Daniels 41
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Hagan-Harrell Hall
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hickey Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland Merideth Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Smith Steen Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Townley Treadway Vogel Wannenmacher
Williams 159 Wilson Wooten

NOES: 011

Bray 84 Clayton Daniel 42 Davis 63 Farmer
Gunn Hohulin McLuckie Patek Pryor
Van Zandt

PRESENT: 001

Troupe

ABSENT WITH LEAVE: 013

Boucher Crump Hand Harlan Holand

Kelly 27 Kennedy Lograsso Skaggs Thompson 37

Wiggins Williams 121 Mr. Speaker

On motion of Representative Hosmer, **CCS HCS SB 347** was truly agreed to and finally passed by the following vote:

AYES: 137

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Broach Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kissell Koller Kreider

Lakin Lawson Legan Levin Liese

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stoll Stroker Summers Surface Thomason 163

Townley Treadway Vogel Wannenmacher Williams 159

Wilson Wooten

NOES: 007

Bray 84 Davis 63 Farmer Gunn Hohulin

McLuckie Van Zandt

PRESENT: 001

Troupe

ABSENT WITH LEAVE: 018

Burton Hand Harlan Holand Kelly 27

Kennedy Leake Linton Lograsso Reynolds

Scott Skaggs Stokan Tate Thompson 37

Wiggins Williams 121 Mr. Speaker

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Overschmidt, title to the bill was agreed to.

Representative Ransdall moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 11 as amended** , and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SCS HS HCS HB 335**: Senators Maxwell, Wiggins, Howard, Sims and Westfall.

**MOTION**

Representative Leake moved that the House refuse to recede from its position on **HCS SS SB 11, as amended,** and grant the Senate a conference.

Which motion was adopted.

**RE-APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

**HCS HBs 600 and 388**: Representatives Carter, Harlan, Luetkenhaus, Sallee and Wooten.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on

the following bills:

**HS HCS SCS SB 89**: Representatives Crump, Hosmer, Parker, Legan and Richardson.

**HCS SS SB 11**: Representatives Leake, Franklin, Wiggins, Richardson and Long.

**HS HCS SS SB 121**: Representatives Williams (121), Smith, Hosmer, Ostmann and Donovan.

**SS SCS HS HCS HB 335**: Representatives Harlan, Foley, Bland, Griesheimer and Pryor

**THIRD READING OF SENATE BILL**

**HCS SS SCS SB 165**, relating to economic development, was taken up by Representative Rizzo.

Representative Rizzo offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Line 8, by inserting immediately after the figure "135.460," the figure "135.500,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting immediately after the figure "135.460," the figure "135.500,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 11, by inserting immediately after the figure "135.460," the figure "135.500,"; and

Further amend said bill, Page 46, Section 135.460, Line 72, by inserting immediately after said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business;

(13) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars. Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

(14) "State premium tax liability", any liability incurred by an insurance company under the provisions of [section 148.370] **section 148.320, 148.340, 148.370 or 148.376**, RSMo, and **any other** related provisions**, which may impose a tax upon the premium income of insurance companies after January 1, 1997**."; and

Further amend said bill, Page 47, Section 135.503, Line 25, by deleting the following: "**for calendar year 1998, $0.00;**"; and

Further amend said bill, Page 47, Section 135.503, Line 26, by deleting the following: "[thereafter]" and inserting in lieu thereof the word "thereafter".

On motion of Representative Rizzo, House Amendment No. 1 was adopted.

Representative Rizzo offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Line 2, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority[; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority].

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof.

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum.

In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties."; and

Further amend said bill, Page 119, Section 34, Line 4, by deleting the following: "**appointed by**"; and

Further amend said bill, Page 119, Section 34, Line 7, by deleting the following: "**appointed by**".

On motion of Representative Rizzo, House Amendment No. 2 was adopted.

Representative Rizzo offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 70.508, Subsection 2, Page 15, Line 10, by deleting all of said line and inserting in lieu thereof the following:

"**revenues collected from sales tax pursuant to section 70.500, RSMo.**";

And further amend said bill, Section 70.508, Subsection 3, Page 15, Line 15, by deleting all of said line, and inserting in lieu thereof the following:

"**from any revenues collected from sales tax pursuant to section 70.500, RSMo.**".

On motion of Representative Rizzo, House Amendment No. 3 was adopted.

Representative Rizzo offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, In the Title, Lines 11 and 12, by deleting the words ", with an effective date and a termination date for certain sections"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 13, by inserting immediately after the figure "253.561," the figure "253.562,"; and

Further amend said bill, Page 76, Section 253.561, Line 12, by inserting immediately after said line the following:

"**253.562. The provisions of sections 253.550, 253.559 and 253.561 shall become effective on January 1, 1998, and shall apply to all taxable years beginning after December 31, 1997, and shall terminate on December 31, 2002.**"; and

Further amend said bill, Page 124, Section B, Lines 1 through 3, by deleting all of said Section B.

On motion of Representative Rizzo, House Amendment No. 4 was adopted.

Representative Rizzo offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 143.451, Subsection 2, Paragraph 4, by deleting the number "**135.600**" found on Line 40, on Line 43, on Line 44, on Line 45, and on Line 47, and inserting in lieu thereof on each of the said lines the words "**Section 23**".

On motion of Representative Rizzo, House Amendment No. 5 was adopted.

Representative Rizzo offered House Amendment No. 6.

House Amendment No. 6 was withdrawn.

Representative Rizzo offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 7, by inserting immediately after the figure "67.1300," the figure "100.840,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 6, by inserting immediately after the figure "67.1300," the figure "100.840,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting immediately after the figure "99.865," the figure "100.840,"; and

Further amend said bill, Page 26, Section 99.865, Line 54, by inserting immediately after said line the following:

"100.840. 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. The total amount of outstanding certificates sold by the board shall not exceed [thirty-five] **fifty** million dollars. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful

performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state.".

On motion of Representative Rizzo, House Amendment No. 6 was adopted.

Representative Rizzo offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 115, Section 23, Line 50, by inserting immediately after the word "**return.**" the words "**The director may deny such certification if, in the director's opinion, a certified capital investment funds service corporation has not created a sufficient number of new jobs or retained a sufficient number of existing jobs within Missouri. The director's determination of whether or not certification shall be granted may also take into consideration the salary levels of the new or existing jobs within the state.**".

On motion of Representative Rizzo, House Amendment No. 7 was adopted.

Representative Rizzo offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of [five] **seven** commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than [three] **five** of which shall be of any one political party, who shall constitute the members of such authority[; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority].

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least [three] **four** members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **As commissioners serving on the sports complex authority are replaced after August 28, 1997, by new commissioners, at least two of the five governor-appointed commissioners shall be residents of Jackson County and not residents of Kansas City.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties."; and

Further amend said bill, Page 119, Section 34, Line 4, by deleting the following: "**appointed by**"; and

Further amend said bill, Page 119, Section 34, Line 7, by deleting the following: "**appointed by**".

Representative Bland offered House Substitute Amendment No. 1 for House Amendment No. 8.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred eighteen"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the figure "30.765," the figure "64.930,"; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of [five] **eight** commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than [three] **five** of which shall be of any one political party, who shall constitute the members of such authority[; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority].

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least [three] **four** members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **As commissioners serving on the sports complex authority are replaced after August 28, 1997, by new commissioners, at least two of the five governor-appointed commissioners shall be residents of Jackson County and not residents of Kansas City.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties."; and

Further amend said bill, Page 119, Section 34, Line 4, by deleting the following: "**appointed by**"; and

Further amend said bill, Page 119, Section 34, Line 7, by deleting the following: "**appointed by**"; and

Further amend said bill, Page 119, Section 34, Line 1, by deleting "Two" and inserting in lieu thereof "Three"; and

Further amend said bill, Page 119, Section 34, Line 8, by inserting after the word "Legislature." on said line the following:

"One commissioner authorized by the provisions of this section shall be the county executive"

Representative Bland moved that House Substitute Amendment No. 1 for House Amendment No. 8 be adopted.

Which motion was defeated.

On motion of Representative Rizzo, House Amendment No. 8 was adopted.

Representative Edwards-Pavia offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the figure "70.390," the figure "99.340,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting immediately after the figure "99.810," the figures "99.820, 99.825, 99.830,"; and

Further amend said bill, Page 1, In the Title, Line 3, by inserting immediately after the figure "99.845," the figure "99.863,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-two"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "70.390," the figure "99.340,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "99.810," the figures "99.820, 99.825, 99.830,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "99.845," the figure "99.863,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-two"; and

Further amend said bill, Page 2, Section A, Lines 9 and 10, by deleting the figures "99.805, 99.810, 99.835, 99.845, 99.865," and inserting in lieu thereof the figures "99.340, 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845, 99.863, 99.865,"; and

Further amend said bill, Page 15, Section 70.508, Line 22, by inserting immediately after said line the following:

"99.340. 1. When the governing body of a municipality adopts a resolution or ordinance as aforesaid, it shall promptly notify the mayor of such adoption. If the resolution or ordinance adopted is one approving the exercise of powers hereunder by a land clearance for redevelopment authority, the mayor shall appoint a board of commissioners of such authority which shall consist of five commissioners, and when the governing body of a county adopts such a resolution, said body shall appoint a board of commissioners of the authority created for such county which shall consist of five commissioners.

2. All commissioners of an authority shall be taxpayers who have resided [in the area of operation thereof for five years prior to their appointment] **for a period of five years in, in the case of a municipality, the area within the municipality; and, in the case of a county, the area within the county**.

3. Two of the commissioners who are first appointed shall be designated to serve for terms of one year from the date of their appointment and three shall be designated to serve for terms of two, three and four years respectively from the date of their appointment. Thereafter, commissioners shall be appointed as aforesaid for a term of office for four years except that all vacancies shall be filled for the unexpired term."; and

Further amend said bill, Page 19, Section 99.810, Line 38, by inserting immediately after said line the following:

"99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon **directly and** substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) [Within a redevelopment area,] **Pursuant to a redevelopment plan,** subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. [Furthermore, no] **Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects, including procedures for the** conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. [The] **Such** procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts[. If payments in lieu of taxes, or a portion thereof, are made to taxing districts, those payments];

**(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:**

**(a) Such surplus payments in lieu of taxes** shall be [made, from the special allocation fund,] **distributed** to [all] **taxing** districts within the **redevelopment** area [selected for a redevelopment project] **which impose ad valorem taxes** on a basis [which] **that** is proportional to the current collections of revenue which each taxing district receives from real property in the [area selected for a redevelopment project] **redevelopment area**;

**(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;**

**(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;**

[(12)] **(13)** If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs[.]**;**

**(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.**

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons **if the municipality is a county or a city not within a county and eleven persons if the municipality is not a county** to be appointed as follows:

(1) **In all municipalities** two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) **In all municipalities** one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality; [and]

(3) **In all municipalities** six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality[.]**;**

**(4) In all municipalities which are not counties, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;**

**(5) At the option of the members appointed by the municipality,** the members who are appointed by the school boards and other taxing districts [shall] **may** serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission[.]**, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved** such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in this act except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsections 2 and 3 of this section shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, **or comments on,** and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests [and], objections**, comments and other evidence presented** at the hearing. The hearing may be [adjourned] **continued** to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the [adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, but after] **conclusion of** the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area [which changes do not alter the exterior boundaries, or do not substantially affect the general land uses established in the]**, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a** redevelopment plan or [substantially change the nature of the] redevelopment project, [without further hearing or notice; provided, that notice of such changes is given at the hearing] or **designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of**

**such changes shall be given** by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

99.830. 1. Notice of the public hearing required by section 99.825 shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the area of the proposed redevelopment. Notice by mailing shall be given by depositing such notice in the United States mails by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the redevelopment project or redevelopment area which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.845. Such notice shall be mailed not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

2. The notices issued pursuant to this section shall include the following:

(1) The time and place of the public hearing;

(2) The general boundaries of the proposed redevelopment area or redevelopment project by street location, where possible;

(3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;

(4) A description of the proposed redevelopment plan or redevelopment project and a location and time where the entire plan or project proposal may be reviewed by any interested party;

(5) Such other matters as the commission may deem appropriate.

3. Not less than forty-five days prior to the date set for the public hearing, the commission shall give notice by mail as provided in subsection 1 of this section to all taxing districts from which taxable property is included in the redevelopment area, redevelopment project or redevelopment plan, and in addition to the other requirements [under] **pursuant to** subsection 2 of this section, the notice shall include an invitation to each taxing district to submit comments to the commission concerning the subject matter of the hearing prior to the date of the hearing.

**4. A copy of any and all hearing notices required by section 99.825 shall be submitted by the commission to the director of the department of economic development. Such submission of the copy of the hearing notice shall comply with the prior notice requirements pursuant to subsection 3 of this section.**"; and

Further amend said bill, Page 24, Section 99.845, Line 116, by inserting immediately after said line the following:

"**99.863. Beginning in 1999, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tem of the senate, shall review section 99.800 to 99.865. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tem of the senate no later than February first following the year in which the review is conducted.**".

On motion of Representative Edwards-Pavia, House Amendment No. 9 was adopted.

Representative Edwards-Pavia offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 19, Section 99.810, Line 38, by adding the following:

"(7) Whenever a proposed redevelopment plan is within an area of special flood hazard or floodway fringe a hydrologic and hydraulic analysis shall be provided showing the impact on that area and upon residential development that is within the surrounding area up to a radius of approximately two miles from the redevelopment project. The analysis shall include a detailed description for the potential of periodic inundation which results in loss of life, property, health and safety hazards, extraordinary public expenditures for flood protection and relief, damage to air or water environmental quality, all of which adversely affect the public health, safety and general welfare."

Representative Green raised a point of order that Rule 86 states that no member shall speak more than once until all have been recognized.

The Chair ruled the point of order not well taken.

On motion of Representative Edwards-Pavia, House Amendment No. 10 was adopted.

Representative Edwards-Pavia offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 49, Line 9, by adding immediately after said line, the following:

Section 49. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.

2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.

3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.

4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.

5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.

On motion of Representative Edwards-Pavia, House Amendment No. 11 was adopted.

Representative Kauffman offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Pages 93-113, Sections 1 through 21, by deleting all of said sections;

Further amend said bill by amending the title and enacting clause, and renumbering the sections following section 21 accordingly.

On motion of Representative Kauffman, House Amendment No. 12 was adopted.

Representative Schilling offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred thirty-two"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred thirty-two"; and

Further amend said bill, Page 2, Section A, Line 12, by inserting immediately after the figure "178.896," the figures "184.800, 184.805, 184.810, 184.815, 184.820, 184.825, 184.830, 184.835, 184.840, 184.845, 184.850, 184.860, 184.865, 184.870, 184.880,"; and

Further amend said bill, Page 57, Section 178.896, Line 33, by inserting immediately after all of said line the following:

"**184.800. Sections 184.800 to 184.880 shall be known as the "Missouri Museum District Act".**

**184.805. 1. As used in sections 184.800 to 184.880, the following terms mean:**

**(1) "Board", the board of directors of a district;**

**(2) "District", a museum district organized pursuant to sections 184.800 to 184.880;**

**(3) "Museum", a building or area used for the purpose of exhibiting and/or preserving objects or specimens of interest to the public, including but not limited to art, items of natural history, and items connected with wildlife and conservation;**

**(4) "Owner of real property", the owner of the fee interest in the real property, except that when the real property is subject to a lease of ten or more years, the lessee rather than the owner of the fee interest shall be considered as the "owner of real property". An owner may be either a natural person or a juridical entity.**

**2. For the purposes of sections 11(c), 16 and 22 of article X of the constitution of Missouri, section 137.073, RSMo, and as used in sections 184.800 to 184.880, the following terms shall have the meanings given:**

**(1) "Approval of the required majority" or "direct voter approval", a simple majority;**

**(2) "Qualified voters", the owners of real property located within the proposed district or any person residing in the district who is a legal voter within the district.**

**184.810. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to a museum or to assist in such activity.**

**2. A district is a political subdivision of the state.**

**184.815. 1. Whenever the creation of a district is desired, the owners of real property who own at least two-thirds of the real property within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located. Any petition to create a museum district pursuant to the provisions of sections 184.800 to 184.880 shall be filed on or before December 31, 1998.**

**2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities.**

**3. The petition shall set forth:**

**(1) The name and address of each owner of real property located within the proposed district or who is a legal voter resident within the proposed district;**

**(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;**

**(3) A general description of the purpose or purposes for which the district is being formed, including a description of the proposed museum or museums and a general plan for its operation; and**

**(4) The name of the proposed district.**

**3. In the event any owner of real property within the proposed district who is named in the petition or any legal voter resident within the district shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner or legal voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.**

**184.820. 1. Any owner of real property within the proposed district and any legal voter who is a resident within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.**

**2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporation the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.**

**3. Any party having filed a petition or answer or petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be deemed a final judgment for purposes of appeal.**

**184.825. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 184.800 to 184.880, the petitioners may be reimbursed for such costs out of the revenues received by the district.**

**184.830. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, to be composed of owners or representatives of owners of real property in the district.**

**2. The owners of real property, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall be considered as a voting interest, and each owner of real property shall have one vote in person or by proxy for every acre of real property owned within the district for each director to be elected. A director need not be a legal voter of the district.**

**3. Each director shall serve for a term of three years and until his successor is duly elected and qualified. Successor director shall be elected in the same manner as the initial directors at a meeting of the owners of real property called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.**

**4. Directors shall be at least twenty-one years of age.**

**184.835. 1. The board shall possess and exercise all of the district's legislative and executive powers.**

**2. Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.**

**3. The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the fourth degree by blood or marriage to a member of the board.**

**4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.**

**5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.**

**6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.**

**184.840. 1. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating a museum, conducting educational programs in connection therewith for any public purpose which is reasonably connected with the museum and for any other purposes authorized by sections 184.840 to 184.880. Such funds may be derived from any funding method which is authorized by sections 184.800 to 184.880 and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency thereof, a political subdivision of the state or private sources.**

**2. The general assembly may annually for a period of twenty years after the effective date of this act make appropriations from general revenue to a district which is created pursuant to the provisions of sections 184.800 to 184.880. In no event shall the amount appropriated to any district exceed on an annual basis the annual state sales tax revenues generated from businesses within the district.**

**184.845. 1. The board of the district may impose a museum district sales tax by resolution on all retail sales made in such museum district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Such museum district sales tax may be imposed for any museum purpose designated by the board of the museum district. If the resolution is adopted the board of the district may submit the question of whether to impose a sales tax authorized by this section to either the legal voters of the district and/or to the owners of real property within the district who shall have the same voting interests as with the election of members of the board of the district.**

**2. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter following adoption of the tax by the qualified voters.**

**3. In each museum district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the museum district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.**

**4. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax**

**or to serve as a levy of the tax, and in order to avoid fractions of pennies, the museum district may establish appropriate brackets which shall be used in district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.825, RSMo.**

**5. All revenue received by a museum district from the tax authorized by this section which has been designated for a certain museum purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. All funds remaining in the special trust fund shall continue to be used solely for such designated museum purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other museum district funds.**

**6. The sales tax may be imposed at a rate of one-half of one percent, three-fourths of one percent or one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the museum district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any museum district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.**

**7. On and after the effective date of any tax imposed pursuant to this section, the museum district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the museum district.**

**8. All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.**

**9. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.**

**10. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the museum district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.**

**11. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.**

**12. For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order shall be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business form which the employee works.**

**13. All sales taxes collected by the museum district shall be deposited by the museum district in a special fund to be expended for the purposes authorized in this section. The museum district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection by the officers and directors of each museum district and the Missouri department of revenue. Tax returns filed by businesses with the district shall otherwise be considered as confidential in the same manner as sales tax returns filed with the Missouri department of revenue.**

**14. No museum district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued to finance any project or projects.**

**184.850. 1. A district may contract and incur obligations appropriate to accomplish its purposes.**

**2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.**

**3. A district may enter into operating agreements and/or management agreements with not for profit corporations to operate the museum or carry out any other authorized purposes of functions of the district.**

**4. A district may borrow money for its purposes at such rates of interest as the district may determine.**

**5. A district may issue bonds, notes and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, security agreement or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 184.800 to 184.880. The district shall also have the power and authority to secure financing on the issuance of bonds for financing through another political subdivision or an agency of the state.**

**6. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the construction of the museum project.**

**184.860. 1. A district may at any time authorize or issue revenue bonds for the purpose of paying all or any part of the cost of any project. Every issue of such bonds shall be payable out of the revenues of the district and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds shall be authorized by resolution of the board of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide notwithstanding the provisions of section 108.170, RSMo. The bonds may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.**

**2. Any issue of district bonds outstanding may be refunded at any time by the district by issuing its refunding bonds in such amount as the district may deem necessary. Such bonds may not exceed the amount sufficient to refund the principal of the bonds so to be refunded together with any unpaid interest thereon and any premiums, commissions, service fees, and other expenses necessary to be paid in connection with the refunding. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds being refunded or by the exchange of the refunding bonds for the bonds being refunded with the consent of the holder or holders of the bonds being refunded. Refunding bonds may be issued regardless of whether the bonds being refunded were issued in connection with the same project or a separate project and regardless of whether the bonds proposed to be refunded shall be payable on the same date or different date or shall be due serially or otherwise.**

**3. Bonds issued pursuant to this section shall exclusively be the responsibility of the district and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state other than the district. The district shall not be obligated to pay such bonds with any funds other than those specifically pledged to repayment of the bonds. Any bonds issued by a district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.**

**4. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds shall be exempt from taxation in the state of Missouri for all purposes except the state estate tax.**

**184.865. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; provided, however, that any contract providing for the overall management and operation of the museum for the district shall only be with a governmental entity or a not for profit corporation.**

**184.870. In addition to all other powers granted by sections 184.800 to 184.880 the district shall have the**

**following general powers:**

**(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;**

**(2) To fix compensation of its employees and contractors;**

**(3) To purchase any personal property necessary or convenient for its activities;**

**(4) To collect and disburse funds for its activities; and**

**(5) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.**

**184.880. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.**

**2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.**

**3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.**".

On motion of Representative Schilling, House Amendment No. 13 was adopted.

Representative Green offered House Amendment No. 14.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 48, Line 1, by inserting after said line the following:

"**Section 49. Excursion gambling boats, as defined in section 313.800, RSMo, shall only serve intoxicating beverages during hours established by law for other establishments located within the same political subdivision.**"; and

Further amend the title and enacting clause accordingly.

Representative Akin raised a point of order that House Amendment No. 14 goes beyond the scope of the bill.

The Chair ruled the point of order untimely.

On motion of Representative Green, House Amendment No. 14 was adopted by the following vote:

AYES: 144

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hosmer Howerton Johnson Kauffman
Kelley 47 Kennedy Kissell Koller Kreider
Lakin Leake Legan Levin Liese
Linton Long Loudon Luetkenhaus Lumpe
Marble May 108 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Williams 121 Williams 159 Wilson Wooten

NOES: 012

Auer Copeland Days Ford Gunn
Hoppe Kelly 27 Lawson Mays 50 Shelton 57
Thomason 163 Thompson 37

PRESENT: 000

ABSENT WITH LEAVE: 007

Backer Hagan-Harrell Hand Kasten Lograsso
Wiggins Mr. Speaker

Representative Tate offered House Amendment No. 15.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 27, Page 116, Line 10, by deleting the words "**five hundred**" and inserting in lieu thereof the words "**fifteen thousand five hundred**".

On motion of Representative Tate, House Amendment No. 15 was adopted.

Representative Tate offered House Amendment No. 16.

*House Amendment No. 16*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 26, Section 99.865, Line 54, by adding immediately after said line, the following:

"99.870. (1) Any city with a population in excess of 400,000 may file a plan with the department of economic development to develop a race track facility classified in SIC 7944, in an enterprise zone as described in Chapter 135 RSMo. If the director and the commissioner of administration approve the plan, the director may provide that some portion of the state sales tax generated by the development be rebated to the department of revenue, which shall deposit such rebate in a special fund for the purpose of paying the cost of public infrastructure necessitated by the project. Monies in such special fund shall be expanded only as approved by appropriation of the General Assembly. In determining the amount of state sales tax so generated, the director may use such reasonable multipliers as are commonly accepted by the International Association of Convention and Visitors' Bureaus. The approval of the director shall become final upon the ratification thereof by the joint committee on economic development, policy and planning, established pursuant to Section 620.602, RSMo. The provisions of this section shall not apply to state sales tax revenues from redevelopment areas designated pursuant to Section 99.845.4, and shall not apply to sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund pursuant to Section 144.701, and sales and use taxes on motor vehicles, trailers, boats, and outboard motors.

(2) There is hereby established within the state treasury a special fund to be known as the "Missouri Sales Tax Increment Financing Revolving Fund", to be administered by the department of revenue. The department shall annually credit to the Missouri sales tax increment financing fund the sales tax authorized under the provisions of sections 99.845.4 and 99.870."

On motion of Representative Tate, House Amendment No. 16 was adopted.

Representative Carter offered House Amendment No. 17.

Representative Thomason (163) raised a point of order that House Amendment No. 17 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Koller offered House Amendment No. 17.

Representative Farmer raised a point of order that House Amendment No. 17 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Koller offered House Amendment No. 17.

*House Amendment No. 17*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 35, Section 135.225, Line 85, by inserting after said line the following:

"4. Any municipality which is located within the boundaries of an enterprise zone may impose a reasonable one time permit fee, not to exceed the cost of issuance of said permit, to assure compliance when a sign is first erected by a business which is regulated by section 226.500 to 226.600 RSMo. If any municipality is located partially within or totally outside an enterprise zone, said municipality may impose said one time permit fee as described in said section on said business or services provided by said business as specifically described in section 226.510 (3), however said one time permit fee allowed shall not exceed five hundred dollars. Local real estate taxes of said municipalities as described in said section may not exceed the rates charged for other commercial improvements on said businesses and said municipalities may not thereafter charge any permit, license or inspection fee for services provided by said businesses."

Representative Farmer raised a point of order that House Amendment No. 17 is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Koller moved that House Amendment No. 17 be adopted.

Which motion was defeated.

Representative Relford offered House Amendment No. 18.

*House Amendment No. 18*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 16, Section 99.805, Lines 50 and 51, by deleting the words "**two years**" and inserting in lieu thereof the words "**one year**".

On motion of Representative Relford, House Amendment No. 18 was adopted.

Representative Skaggs offered House Amendment No. 19.

*House Amendment No. 19*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Line 3, by inserting immediately after the figure "99.865," the figures "100.255, 100.264, 100.275, 100.297,"; and

Further amend said bill, Page 1, In The Title, Line 7, by inserting immediately after the figure "67.1300," the figure "100.296,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-one"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "99.865," the figures "100.255, 100.264, 100.275, 100.297,"; and

Further amend said bill, Page 2, Section A, Line 6, by inserting immediately after the figure "67.1300," the figure "100.296,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred twenty-one"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting immediately after the figure "99.865," the figures "100.255, 100.264, 100.275, 100.297,"; and

Further amend said bill, Page 26, Section 99.865, Line 54, by inserting immediately after said line the following:

"100.255. As used in sections 100.250 to 100.297, the following terms mean:

(1) "Board", the Missouri development finance board created by section 100.265;

(2) "Borrower", any person, partnership, public or private corporation, association, development agency or any other entity eligible for funding under sections 100.250 to 100.297;

(3) "Development agency", any of the following:

(a) A port authority established pursuant to chapter 68, RSMo;

(b) The bi-state development agencies established pursuant to sections 70.370 to 70.440, RSMo, and sections 238.010 to 238.100, RSMo;

(c) A land clearance for redevelopment authority established pursuant to sections 99.300 to 99.660, RSMo;

(d) A county, city, incorporated town or village or other political subdivision or public body of this state;

(e) A planned industrial expansion authority established pursuant to sections 100.300 to 100.620;

(f) An industrial development corporation established pursuant to sections 349.010 to 349.105, RSMo;

(g) A real property tax increment financing commission established pursuant to sections 99.800 to 99.865, RSMo;

**(h) Any other governmental, quasi-governmental or quasi-public corporation or entity created by state law or by resolution adopted by the governing body of a development agency otherwise described in paragraph (a) or (g) of this subdivision;**

(4) "Development and reserve fund", the industrial development and reserve fund established under section 100.260;

(5) "Export finance fund", the Missouri export finance fund established under section 100.260;

(6) "Export trade activities" includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;

(7) "Guarantee fund", the industrial development guarantee fund established by section 100.260;

(8) "Infrastructure development fund", the infrastructure development fund established under section 100.263;

(9) "Infrastructure facilities", the highways, streets, bridges, water supply and distribution systems, mass transportation facilities and equipment, telecommunication facilities, jails and prisons, sewers and sewage treatment facilities, waste water treatment facilities, airports, railroads, reservoirs, dams and waterways in this state**, acquisition of blighted real estate and the improvements thereon, demolition of existing structures and preparation of sites in anticipation of development, public facilities** and any other improvements provided by any form of government **or development agency**;

(10) "Participating lender", a lender authorized by the board to participate with the board in the making of a loan or to make loans the repayment of which is secured by the development and reserve fund;

(11) "Project", the purchase, construction, extension, and improvement of real estate, plants, buildings, structures or facilities, whether or not now in existence, used or to be used primarily as a factory, assembly plant, manufacturing plant, fabricating plant, distribution center, warehouse building, **office building,** port terminal or facility, transportation and transfer facility, industrial plant, processing plant, commercial or agricultural facility, **nursing or retirement facility or combination thereof, recreational facility, cultural facility, public facilities, job training or other vocational training facility,** infrastructure facility, video-audio telecommunication conferencing facility, office building, facility for the prevention, reduction, disposal or control of pollution, sewage or solid waste, facility for conducting export trade activities, or research and development building in connection with any of the facilities defined as a project in this subdivision. The term "project" shall also include any improvements, including, but not limited to, road or rail construction, alteration or relocation, and construction of facilities to provide utility service for any of the facilities defined as a project under this subdivision, along with any fixtures, equipment, and machinery, and any demolition and relocation expenses used in connection with any such projects and any capital used to promote and facilitate such facilities and notes payable from anticipated revenue issued by any development agency[.]**;**

**(12) "Public facility", any facility or improvements available for use by the general public including facilities for which user or other fees are charges on a nondiscriminatory basis.**

[100.264. Notwithstanding any law to the contrary, any request for a loan or bond issue that exceeds one million dollars for infrastructure facilities project as defined in section 100.255, from the infrastructure development fund as defined in section 100.263, shall not be approved unless the request for such loan or bond issue has been denied by two commercial lenders located in Missouri who regularly make such loans or underwrite such bond issues.]

100.275. 1. The board may at any time issue revenue bonds for the purpose of paying any part of the cost of any project or projects, or part thereof, and for the purpose of refunding any of its bonds **or the bonds of any development agency**. Every issue of its bonds shall be payable out of the revenues of the board which may be pledged for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds or pledging any specified revenues. The bonds shall be authorized by resolution of the board, shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution of the board shall specify. The bonds shall be in such denominations, bear interest at such rates, be in such form, either coupon or registered, be issued in such manner, be payable in such place or places and be subject to redemption as such resolution may provide. The bonds of the board may be sold at public or private sale, as the board may specify, at such price or prices as the board shall determine, but at not less than ninety-five percent of the principal amount thereof, and at such interest rate as the board shall determine, notwithstanding the provisions of section 108.170, RSMo.

2. The board may issue notes payable from the proceeds of bonds to be issued in the future or from such other sources as the board may specify as in the case of bonds. Such notes shall mature in not more than five years and shall be sold at public or private sale, as the board may specify, at not less than ninety-five percent of the principal amount thereof and at such interest rate as the board shall determine, notwithstanding the provisions of section 108.170, RSMo. The other details with respect to such notes shall be determined by the board as in the case of bonds.

3. The state shall not be liable on any notes or bonds of the board. Such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

4. No member of the board nor any person authorized to execute notes or bonds of the board shall be liable personally on such notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

5. The notes and bonds of the board are securities in which all public bodies and political subdivisions of this state; all insurance companies and associations and all other persons carrying on an insurance business; all banks, trust companies, saving associations, savings and loan associations, credit unions, and investment companies; all administrators, guardians, executors, trustees, and other fiduciaries; and all other persons who now or may hereafter be authorized to invest in notes and bonds or other obligations of this state may properly and legally invest funds, including capital, in their control or belonging to them.

6. The board shall not be required to pay any taxes or any assessments whatsoever to this state, any political subdivision of this state, or any other governmental agency of this state. The notes and bonds of the board,

and the income therefrom, shall, at all times, be exempt from any taxes and any assessments, except for estate taxes, gift taxes, and taxes on transfers.

7. Nothing contained in sections 100.250 to 100.297 shall be deemed to constitute a use of state funds or credit in violation of the provisions of article III, sections 37, 38(a) and 39, of the Missouri Constitution.

**8. The board shall have the power to contract with any development agency to perform any governmental service, activity or undertaking which the contracting development agency is authorized by law to perform or to issue any bonds or notes which the contracting development agency is authorized by law to issue. Any such contract shall be authorized by the governing body of the development agency and by the board and shall state the purpose of the contract and the powers and duties of the parties thereunder. Any bonds or notes issued by the board on behalf of a development agency shall be entitled to the same security as if such bonds or notes were issued directly by the development agency. In addition to any other security for such bonds or notes, the board may secure such bonds, notes or other indebtedness in the manner described in section 100.297.**

100.296. 1. Sections 100.250 to 100.297 shall not be subject to the provisions of sections 109.200 to 109.310, RSMo, the state and local records law, or the provisions of sections 610.010 to 610.030, RSMo, relating to the meetings of governmental bodies, and a member appointed pursuant to section 100.265 shall be exempt from the provisions of chapter 105, RSMo, provided that the member shall not vote or participate in any matter in which the member has a direct or indirect interest. For the purposes of sections 100.250 to 100.297, a "direct or indirect interest" means the ownership of ten percent or more of any class of equity securities in any corporation seeking a guarantee pursuant to the provisions of sections 100.250 to 100.297, occupying the office of vice president or other office senior to the office of vice president, or a director, of any corporation seeking a guarantee pursuant to the provisions of sections 100.250 to 100.297; provided, nothing contained in sections 100.250 to 100.297, nor the provisions of chapter 105, RSMo, shall prevent any corporation, bank, or trust company from purchasing, selling, or otherwise dealing in bonds or notes or mortgages guaranteed pursuant to the provisions of sections 100.250 to 100.297. The development and reserve fund may be pledged to secure loans made through a participating lender with which a member of the board is affiliated so long as the member does not participate in or attempt to influence the approval of any such loan.

2. The board shall not knowingly extend or secure a loan or grant a tax credit to, or issue any bonds or enter into any other agreement with or on behalf of any business entity in which a board member, statewide elected official, state legislator or employee of this state has a substantial interest as defined in section 105.450, RSMo.

3. The board shall not knowingly extend or secure a loan or grant a tax credit to, or issue any bonds or enter into any other agreement with or on behalf of any business entity until each officer of the business entity has notified the board of all campaign contributions such officer has made within the previous two years [which are]**, to the extent such contributions are not otherwise** reportable **by the recipient,** under the provisions of chapter 130, RSMo. For the purposes of this section, "an officer" means a person who is employed by the business entity in a policy-making capacity and whose name is listed in the business entity's articles of incorporation filed with the secretary of state.

100.297. 1. The board may authorize a tax credit, as described in this section, to the owner of any revenue bonds or notes issued by the board under the provisions of sections 100.250 to 100.297, for infrastructure facilities as defined in subdivision (9) of section 100.255, if, prior to the issuance of such bonds or notes, the board determines that:

(1) The availability of such tax credit is a material inducement to the undertaking of the project in the state of Missouri and to the sale of the bonds or notes;

(2) The loan with respect to the project is adequately secured by a first deed of trust or mortgage or comparable lien, or other security satisfactory to the board.

2. Upon making the determinations specified in subsection 1 of this section, the board may declare that each owner of an issue of revenue bonds or notes shall be entitled, in lieu of any other deduction with respect to such bonds or notes, to a tax credit against any tax otherwise due by such owner under the provisions of chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in the amount of one hundred percent of the unpaid principal of and [accrued] **unpaid** interest on such bonds or notes held by such owner in the taxable year of such owner following the calendar year of the default of the loan by the borrower with respect to the project. The occurrence of a default shall be governed by documents authorizing the issuance of the bonds. The tax credit allowed under this section shall be available to the original owners of the bonds or notes or any subsequent owner or owners

thereof. Once an owner is entitled to a claim, any such tax credits shall be transferable as provided in subsection 7 of section 100.286. Notwithstanding any provision of Missouri law to the contrary, any portion of the tax credit to which any owner of a revenue bond or note is entitled under this section which exceeds the total income tax liability of such owner of a revenue bond or note shall be carried forward and allowed as a credit against any future taxes imposed on such owner within the next ten years under the provisions of chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, chapter 147, RSMo, or chapter 148, RSMo. The eligibility of the owner of any revenue bond or note issued under the provisions of sections 100.250 to 100.297 for the tax credit provided by this section shall be expressly stated on the face of each such bond or note. **The tax credit allowed pursuant to this section shall also be available to any financial institution or guarantor which executes any credit facility as security for bonds issued pursuant to this section to the same extent as if such financial institution or guarantor was an owner of the bonds or notes, provided however, in such case the tax credits provided by this section shall be available immediately following any default of the loan by the borrower with respect to the project. In addition to reimbursing the financial institution or guarantor for claims relating to unpaid principal and interest, such claim may include payment of any unpaid fees imposed by such financial institution or guarantor for use of the credit facility.**

3. The aggregate principal amount of revenue bonds or notes outstanding at any time with respect to which the tax credit provided in this section shall be available shall not exceed fifty million dollars.".

On motion of Representative Skaggs, House Amendment No. 19 was adopted.

Representative Smith offered House Amendment No. 20.

*House Amendment No. 20*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, Title, Line 10, by striking the words, "one hundred seventeen", and inserting in lieu thereof the words, "one hundred eighteen", and,

Further amend said bill, Page 1, Section A, Line 8, by striking the words, "one hundred seventeen", and inserting in lieu thereof the words, "one hundred eighteen", and,

Further amend said bill, same page and section, Line 17, by striking the words, "and 48", and inserting the words, "48 and 49", and

Further amend said bill, page 124, Section 48, Line 1, by adding a new section immediately after line 1 to read as follows:

**"Section 49. Notwithstanding the provisions in section 362.245 and 362.250 RSMo, or other provisions of chapter 362, a bank director who is not a stockholder of the bank or trust company, shall have all the rights, privileges and duties of a bank director who is a shareholder, except the duty to have qualifying shares in such bank or trust company or qualifying shares in the bank holding company which controls such bank or trust company.**"

On motion of Representative Smith, House Amendment No. 20 was adopted.

Representative Cooper offered House Amendment No. 21.

*House Amendment No. 21*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In The Title, Lines 3 through 5, by deleting the figures "238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240,"; and

Further amend said bill, Page 1, In The Title, Line 10, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred four"; and

Further amend said bill, Page 1, Section A, Lines 2 through 4, by deleting the word and figures "238.202, 238.207, 238.210, 238.212, 238.215, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the words "one hundred seventeen" and inserting in lieu thereof the words "one hundred four"; and

Further amend said bill, Page 2, Section A, Lines 12 and 113, by deleting the word and figures "238.202, 238.207, 238.210, 238.212, 238.215, 238.216, 238.220, 238.227, 238.230, 238.232, 238.235, 238.237, 238.240,"; and

Further amend said bill, Page 57, Section 238.202, Lines 1 through 25, by deleting all of said section 238.202; and

Further amend said bill, Page 58, Section 238.207, Lines 1 through 41, by deleting all of said section 238.207; and

Further amend said bill, Page 59, Section 238.210, Lines 1 through 34, by deleting all of said section 238.210; and

Further amend said bill, Page 60, Section 238.212, Lines 1 through 32, by deleting all of said section 238.212; and

Further amend said bill, Page 61, Section 238.215, Lines 1 through 28, by deleting all of said section 238.215; and

Further amend said bill, Page 61, Section 238.216, Lines 1 through 66, by deleting all of said section 238.216; and

Further amend said bill, Page 63, Section 238.220, Lines 1 through 55, by deleting all of said section 238.220; and

Further amend said bill, Page 65, Section 238.227, Lines 1 through 17, by deleting all of said section 238.227; and

Further amend said bill, Page 65, Section 238.230, Lines 1 through 30, by deleting all of said section 238.230; and

Further amend said bill, Page 66, Section 238.232, Lines 1 through 27, by deleting all of said section 238.232; and

Further amend said bill, Page 67, Section 238.235, Lines 1 through 245, by deleting all of said section 238.235; and

Further amend said bill, Page 74, Section 238.237, Lines 1 through 26, by deleting all of said section 238.237; and

Further amend said bill, Page 74, Section 238.240, Lines 1 through 12, by deleting all of said section 238.240.

On motion of Representative Cooper, House Amendment No. 21 was adopted.

Representative Leake offered House Amendment No. 22.

*House Amendment No. 22*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 2, by inserting immediately after the number "30.765," the number "30.767,"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the number "327.031," the numbers "348.015, 348.200,"; and

Further amend said bill, Page 1, In the Title, Line 8, by inserting immediately after the number "178.895," the number "348.075,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the number "30.765," the number "30.767,"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting immediately after the number "327.031," the numbers "348.015, 348.200,"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting immediately after the number "178.895," the number "348.075,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 9, by inserting immediately after the number "30.765," the following: "30.767, 30.800, 30.810, 30.820, 30.830, 30.840, 30.850,"; and

Further amend said bill, Page 2, Section A, Line 14, by inserting immediately after the number "327.031," the following: "348.015, 348.075, 348.200, 348.400, 348.403, 348.406, 348.407, 348.408, 348.409, 348.410, 348.412, 348.415,"; and

Further amend said bill, Page 2, Section 30.750, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following:

"(2) "Eligible beginning farmer", [any farmer who qualifies as a beginning farmer for participation in federal tax-exempt financing,] **(a) for any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:**

**a. Is a Missouri resident;**

**b. Wishes to borrow for a farm operation located in Missouri;**

**c. Is at least eighteen years old;**

**d. In the preceding five years has not owned, either directly or indirectly, farm land greater than thirty percent of the median size farm in the county where the proposed farm operation is located, or farm land with an appraised value greater than one hundred twenty-five thousand dollars; and**

**e. Has not been the sole farmer of land for more than ten years prior to the date of application of the proposed farm operation.**

**A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;**

**(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:**

**a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax exempt financing, including the limitations on the use of loan proceeds; and**

**b. Meets all other requirements established by the Missouri agriculture and small business development authority;**"; and

Further amend said bill, Page 6, Section 30.756, Line 16, by inserting immediately after the word "operation" an opening bracket "["; and

Further amend said bill, Page 6, Section 30.756, Line 17, by deleting the word "RSMo," and inserting in lieu thereof the word "RSMo],"; and

Further amend said bill, Page 6, Section 30.756, Line 20, by inserting immediately after the word "operation" an opening bracket "["; and

Further amend said bill, Page 6, Section 30.756, Line 22, by deleting all of said line and inserting in lieu thereof the following: "to 348.225, RSMo], eligible agribusiness or eligible small business. [No loan guaranteed under"; and

Further amend said bill, Page 6, Section 30.756, Line 25, by inserting immediately after the word "limit." a closing bracket "]"; and

Further amend said bill, Page 8, Section 30.758, Line 19, by deleting the word "year," and inserting in lieu thereof the word "year[,"; and

Further amend said bill, Page 8, Section 30.758, Line 22, by deleting the word "years." and inserting in lieu thereof the word "years]."; and

Further amend said bill, Page 11, Section 30.765, Line 13, by inserting after all of said line the following:

"30.767. The state treasurer shall not, after December 31, [2004] **2007**, invest in any linked deposit the value of which is to be lent to a recipient other than an eligible water supply system or an eligible student borrower.

**30.800. As used in sections 30.800 to 30.850, the following terms shall mean:**

**(1) "Eligible guaranteed agribusiness", a person, corporation or other business entity engaged in the processing or adding of value to agricultural products produced in Missouri, which is located in Missouri, and which has received a loan guarantee pursuant to the provisions of sections 348.400 to 348.415, RSMo;**

**(2) "Eligible guaranteed livestock operation", a person engaged in the production of livestock or poultry in Missouri in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, who has received a single purpose animal facilities loan guarantee pursuant to the provisions of sections 348.185 to 348.225, RSMo.**

**30.810. Except for specific provisions to the contrary in sections 30.800 to 30.850, all definitions, requirements, responsibilities, rights, remedies and other matters set forth in sections 30.750 to 30.769 shall apply to linked deposits and linked deposit loans to eligible guaranteed agribusinesses and eligible guaranteed livestock operations.**

**30.820. A linked deposit loan to an eligible guaranteed agribusiness or an eligible guaranteed livestock operation may not exceed two hundred fifty thousand dollars, and no service of separate loans to such entities may be made which exceeds such limit.**

**30.830. The state treasurer may utilize up to thirty million dollars of the one hundred sixty-five million dollar linked deposit allocation for agriculture set forth in subsection 1 of section 30.753 for linked deposits for eligible guaranteed agribusinesses and eligible guaranteed livestock operations.**

**30.840. The state treasurer may renew a linked deposit for an eligible guaranteed agribusiness or an eligible guaranteed livestock operation for additional one-year terms, not to exceed ten years.**

**30.850. The proceeds of a linked deposit loan to an eligible guaranteed agribusiness or an eligible guaranteed livestock operation shall be used exclusively for necessary production expenses as set forth in subsection 2 of section 30.753.**"; and

Further amend said bill, Page 81, Section 327.031, Line 89, by inserting after all of said line the following:

"348.015. As used in sections 348.005 to [348.180] **348.225**, the following terms shall mean:

(1) "Agricultural development loan", a loan for the acquisition, construction, improvement, or rehabilitation of agricultural property;

(2) "Agricultural property", any land and easements and real and personal property, including, but not limited to, buildings, structures, improvements, equipment, and livestock, which is used or is to be used in Missouri by Missouri residents for:

(a) The operation of a farm or ranch;

(b) Planting, cultivating, or harvesting cereals, natural fibers, fruits, vegetables, or trees;

(c) Grazing, feeding, or the care of livestock, poultry, or fish;

(d) Dairy production;

(e) Storing, transporting, or processing farm and ranch products, including, without limitation, facilities such as grain elevators, cotton gins, shipping heads, livestock pens, warehouses, wharfs, docks, creameries, or feed plants; and

(f) Supplying and conserving water, draining or irrigating land, collecting, treating, and disposing of liquid and solid waste, or controlling pollution, as needed for the operations set out in this subdivision;

(3) "Authority", the Missouri agricultural and small business development authority organized pursuant to the provisions of sections 348.005 to 348.180;

(4) "Bonds", any bonds, notes, debentures, interim certificates, bond, grant, or revenue anticipation notes, or any other evidences of indebtedness;

(5) "Borrower", any individual, partnership, corporation, **including a corporation or other entity organized pursuant to section 274.220, RSMo,** firm, cooperative, association, trust, estate, political subdivision, state agency, or other legal entity or its representative executing a note or other evidence of a loan;

(6) "Eligible borrower", a borrower qualifying for an agricultural development loan, a small business development loan, or a small business pollution control facility loan under such criteria and priorities as may be established in rules of the authority or in procedural manuals issued thereunder for the purpose of directing the use of available loan funds on the basis of need for and value of each loan for the maintenance of the agricultural economy or small business and on the meeting of pollution control objectives and assuring conformity with conditions established by insurers or guarantors of loans and the preservation of the security of bonds or notes issued to finance the loan;

(7) "Insurer" or "guarantor", the Farmers Home Administration of the Department of Agriculture of the United States, the United States Small Business Administration, or any other or successor agency or instrumentality of the United States having power, or any insurance company qualified under Missouri law, to insure or guarantee the payment of agricultural development loans, small business development loans, or small business pollution control facility loans and interest thereon, or any portion thereof;

(8) "Lender", any state or national bank, federal land bank, production credit association, bank for cooperatives, federal or state chartered savings and loan association or building and loan association or small business investment company that is subject to credit examination by an agency of the state or federal government, or any other lending institution approved by the insurer or guarantor of an agricultural development loan, small business development loan, or small business pollution control facility loan which undertakes to make or service such a loan;

(9) "Pollution", any form of environmental pollution including, but not limited to, water pollution, air pollution, land pollution, solid waste pollution, thermal pollution, radiation contamination, or noise pollution;

(10) "Pollution control facility" or "facilities", any land, interest in land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof, and all real and personal property deemed necessary therewith, having to do with, or the end purpose of which is, reducing, controlling, or preventing pollution;

(11) "Small business", those enterprises which, at the time of their application to the authority, meet the criteria, as interpreted and applied by the authority, for definition as a "small business" established for the Small Business Administration and set forth in Section [121.3-10] **121.301** of Part 121 of Title 13 of the Code of Federal Regulations;

(12) "Small business development loan", a loan for the acquisition, construction, improvement, or rehabilitation of property owned or to be acquired by a small business as defined herein;

(13) "Small business pollution control facility loan", a loan for the acquisition, construction, improvement, or rehabilitation of a pollution control facility or facilities by a small business.

348.075. The authority shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 348.005 to 348.180[, to adopt, and from time to time amend and repeal, bylaws and rules not inconsistent with sections 348.005 to 348.180, to carry into effect the powers and purposes of the authority and the conduct of its business. No]**. Any** rule or portion of a rule promulgated under the authority of sections 348.005 to 348.180 shall become effective [unless it has been promulgated pursuant to the provisions of section 536.024, RSMo] **only if it has been promulgated in compliance with the provisions of chapter 536, RSMo, as it may be amended from time to time**.

348.200. 1. There is hereby established in the state treasury the "Single-Purpose Animal Facilities Loan Guarantee Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

2. All moneys received by the authority for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.

3. The fund shall be administered by the Missouri agricultural and small business development authority organized pursuant to sections 348.005 to 348.180.

4. Beginning with fiscal year 1994-1995, the general assembly may appropriate moneys not to exceed [three] **four** million dollars for the establishment and initial funding of the single-purpose animal facilities loan guarantee fund.

**348.400. As used in sections 348.400 to 348.415, the following terms mean:**

**(1) "Agricultural business development loan", a loan for the acquisition, construction, improvement, or rehabilitation of agricultural property;**

**(2) "Agricultural product", an agricultural, horticultural, viticultural, or vegetable product, growing of grapes that will be processed into wine, bees, honey, fish or other aquacultural product, planting seed, livestock, a livestock product, a forestry product, poultry or a poultry product, either in its natural or processed state, that has been produced, processed, or otherwise had value added to it in this state;**

**(3) "Agricultural property", any land and easements and real and personal property, including, but not limited to, buildings, structures, improvements, and equipment which is used in Missouri by Missouri residents or Missouri based businesses for the purpose of processing, manufacturing, marketing, exporting or adding value to an agricultural product;**

**(4) "Authority", the Missouri agricultural and small business development authority;**

**(5) "Eligible borrower", as defined in section 348.015;**

**(6) "Eligible lender", as defined in section 348.015;**

**(7) "Fund", the agricultural product utilization and business development loan guarantee fund or the agricultural product utilization;**

**(8) "Grant Fund" the agricultural product utilization grant fund;**

**(9) "Program fund", the agricultural product utilization and business development loan program fund.**

**348.403. 1. In addition to the duties and powers established in sections 348.005 to 348.225, the authority shall develop and implement an agricultural business development loan guarantee program as provided in sections 348.400 to 348.415. The authority shall promulgate only those rules that are necessary to carry out the stated purposes of sections 348.400 to 348.415. The rules promulgated pursuant to this section shall encourage maximum involvement and participation by lenders and financial institutions in the loan guarantee program. The authority shall implement the loan guarantee program, and may employ such persons as necessary, within the limits of appropriations for that purpose, to administer the loan guarantee program.**

**2. Any rule or portion of a rule promulgated pursuant to the authority of sections 348.400 to 348.415 shall become effective only if it has been promulgated in compliance with the provisions of chapter 536, RSMo, as it may be amended from time to time.**

**3. The authority may reject any application for guaranty pursuant to sections 348.400 to 348.415.**

**348.406. 1. The authority, upon application, may issue certificates of guaranty covering a first loss guarantee up to but not more than twenty-five percent of the loan on a declining principal basis for loans to eligible borrowers, executing a note or other evidence of a loan made for the purpose of an agricultural business development loan, but not to exceed the amount of two hundred fifty thousand dollars for any eligible borrower and to pay from the fund to an eligible lender up to twenty-five percent of the amount on a declining principal basis of any loss on any guaranteed loan made pursuant to the provisions of sections 348.400 to 348.415, in the event of default on the loan. Upon payment on the guarantee, the authority shall be subrogated to all the rights of the eligible lender.**

**2. The authority shall charge for each guaranteed loan a one-time participation fee of one percent which shall be collected by the eligible lender at the time of closing and paid to the authority. In addition, the authority may charge a special loan guarantee fee of up to one percent per annum of the outstanding principal which shall be collected from the eligible borrower by the eligible lender and paid to the authority. Amounts so collected shall be deposited in the program fund and used, upon appropriation, to pay the costs of administering the program.**

**3. All moneys paid to satisfy a defaulted guaranteed loan shall only be paid out of the fund.**

**4. The total outstanding guaranteed loans shall at no time exceed an amount which, according to sound actuarial judgment, would allow immediate redemption of forty percent of the outstanding loans guaranteed by the fund at any one time.**

**348.407. 1. The authority shall develop and implement agricultural products utilization grants as provided in this section.**

**2. The authority may reject any application for grants pursuant to this section.**

**3. The authority shall make grants from the grant fund to persons or entities whose projects add value to agricultural products and aid the economy of a rural community.**

**4. The authority may consider the following in making the decision:**

**(1) The applicant's commitment to the project through the applicant's risk;**

**(2) Community involvement and support;**

**(3) The phase the project is in on an annual basis;**

**(4) The leaders and consultants chosen to direct the project;**

**(5) The amount needed for the project to achieve the bankable stage; and**

**(6) The projects planning for long-term success through feasibility studies, marketing plans and business plans.**

**5. The authority may charge for each grant application a one-time fee not to exceed two hundred dollars to be paid to the authority at the time of application. Such moneys shall be deposited to the program fund.**

**348.408. 1. There is hereby established in the state treasury the "Agricultural Product Utilization Grant Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.**

**2. The fund shall be administered by the authority.**

**3. Beginning with fiscal year 1997-98, the general assembly may appropriate moneys not to exceed one and one-half million dollars for the establishment and initial funding of the fund. In any given year, at least one-third of the appropriation shall be awarded to grant requests of twenty-five thousand dollars or less. No single grant award shall exceed one hundred fifty thousand dollars.**

**4. Moneys in the fund may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.**

**348.409. 1. There is hereby established in the state treasury the "Agricultural Product Utilization and Business Development Loan Guarantee Fund". The fund shall consist of money appropriated to it by the general assembly, charges, gifts, grants, bequests from federal, private or other sources, and investment income on the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.**

**2. All moneys received by the authority for payments made on previously defaulted guaranteed loans shall be paid promptly into the state treasury and deposited in the fund.**

**3. The fund shall be administered by the authority.**

**4. Beginning with fiscal year 1997-98, the general assembly may appropriate moneys not to exceed two and one-half million dollars for the establishment and initial funding of the fund.**

**5. Moneys in the fund, both unobligated and obligated as a reserve, which in the judgment of the authority are not currently needed for payments of defaults of guaranteed loans, may be invested by the state treasurer, and any income therefrom shall be deposited to the credit of the fund.**

**348.410. 1. There is hereby created in the state treasury the "Agricultural Product Utilization Business**

**Development Loan Program Fund". The fund shall consist of money collected by the authority and transmitted to the department of revenue and deposited pursuant to subsection 2 of section 348.406 and subsection 7 of section 348.407. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund. The money in the program fund shall be used, upon appropriation, for administration of the program established pursuant to sections 348.400 to 348.415 and for no other purpose. Moneys necessary for the startup of this program may be transferred to this program fund from the fund established pursuant to sections 348.408 and 348.409.**

**2. For purposes of this section, the department shall, as part of the program administration, establish market promotion activities that assist grant recipients and loan applicants in the planning and marketing of value-added products. The department is specifically authorized to employ qualified individuals to fulfill such duties.**

**348.412. 1. Eligible borrowers:**

**(1) Shall use the proceeds of the agricultural business development loan to acquire agricultural property; and**

**(2) May not finance more than ninety percent of the anticipated cost of the project through the agricultural business development loan.**

**2. The project shall have opportunities to succeed in the development, expansion and operation of businesses involved in adding value to, marketing, exporting, processing, or manufacturing agricultural products that will benefit the state economically and socially through direct or indirect job creation or job retention.**

**3. The authority shall promulgate rules establishing eligibility pursuant to the provisions of sections 348.400 to 348.415, taking into consideration:**

**(1) The eligible borrower's ability to repay the agricultural business development loan;**

**(2) The general economic conditions of the area in which the agricultural property will be located;**

**(3) The prospect of success of the particular project for which the loan is sought; and**

**(4) Such other factors as the authority may establish.**

**4. The authority may promulgate rules to provide for:**

**(1) The requirement or nonrequirement of security or endorsement and the nature thereof;**

**(2) The manner and time or repayment of the principal and interest;**

**(3) The maximum rate of interest;**

**(4) The right of the eligible borrower to accelerate payments without penalty;**

**(5) The amount of the guaranty charge;**

**(6) The effective period of the guaranty;**

**(7) The percent of the agricultural business development loan, not to exceed twenty-five percent, covered by the guaranty;**

**(8) The assignability of agricultural business development loans by the eligible lender;**

**(9) Procedures in the event of default on an agricultural business development loan;**

**(10) The due diligence effort on the part of eligible lenders for collection of guaranteed loans;**

**(11) Collection assistance to be provided to eligible lenders; and**

**(12) The extension of the guaranty in consideration of duty in the armed forces, unemployment, natural disasters, or other hardships.**

**348.415. The authority, by rule, shall determine the policy of collections and recovery of agricultural business development loans, including the use of private collection agencies. The authority may institute action to recover any amount due the state in any loan transaction, use private collection agencies, or otherwise carry out the policy of the authority. The eligible lender making the original loan shall cooperate with the authority in the collection of the agricultural business development loan and shall use its regular collection procedures before any action taken by the authority.**".

On motion of Representative Leake, House Amendment No. 22 was adopted.

Representative Leake offered House Amendment No. 23.

*House Amendment No. 23*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting "and 48" and inserting in lieu thereof the following: ", 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67"; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"**Section 49. 1. Nonprofit, membership corporations may be organized under sections 49 to 66 of this act for the purpose of supplying water and waste water disposal and treatment services within the state of Missouri. Corporations which become subject to sections 49 to 66 of this act in the manner herein provided are herein referred to as "nonprofit sewer companies". Five or more persons may organize a nonprofit sewer company pursuant to sections 49 to 66 of this act.**

**2. The articles of incorporation of a nonprofit sewer company shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act, shall be signed and acknowledged in duplicate by at least five of the incorporators and shall state:**

**(1) The name of the company;**

**(2) The address of its principal office;**

**(3) The names and addresses of the incorporators;**

**(4) The number of years the company is to continue, which may be any number including perpetuity;**

**(5) The names and addresses of the persons who shall constitute its first board of directors;**

**(6) Whether the company chooses to operate under the provisions of chapter 347, RSMo, or chapter 355, RSMo; and**

**(7) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of its business and affair. Such articles of incorporation shall be submitted to the secretary of state for filing.**

**Section 50. Any corporation organized under the laws of this state for the purpose, among others, of supplying water, waste water disposal, or waste water treatment may be converted into a nonprofit sewer company and become subject to sections 49 to 66 of this act with the same effect as if originally organized under sections 49 to 66 of this act by complying with the following requirements:**

**(1) The proposition for the conversion of such corporation into a nonprofit sewer company and proposed articles of conversion to give effect thereto shall be first approved by the board of trustees or the board of directors, as the case may be, of such corporation. The proposed articles of conversion shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:**

**(a) The name of the corporation prior to its conversion into a nonprofit sewer company;**

**(b) The address of the principal office of such corporation;**

**(c) The date of the filing of the articles of incorporation of such corporation in the office of the secretary of state;**

**(d) The statute or statutes under which such corporation was organized;**

**(e) The name assumed by such corporation;**

**(f) A statement that such corporation elects to become a nonprofit, membership corporation subject to sections 49 to 66 of this act;**

**(g) The manner and basis of converting either memberships in or shares of stock of such corporation into memberships therein after completion of the conversion; and**

**(h) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of the business and affairs of such corporation.**

**(2) The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion approved by the board of trustees or board of directors, as the case may be, of such corporation shall then be submitted to a vote of the members or stockholders, as the case may be, of such corporation at any duly held annual or special meeting thereof, the notice of which shall set forth full particulars concerning the proposed conversion. The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion, with such amendments thereto as the members or stockholders of such corporation shall choose to make, shall be deemed to be approved upon the affirmative vote of not less than a majority of the members of such corporation, or, if such corporation is a stock corporation, upon the affirmative vote of the holders of not less than a majority of the capital stock of such corporation.**

**(3) Upon such approval by the members or stockholders of such corporation, articles of conversion in the form approved by such members or stockholders shall be executed and acknowledged in duplicate on behalf of such corporation by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The president or vice president executing such articles of conversion on behalf of such corporation shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act with respect to the approval of its trustees or directors and its members or stockholders, of the proposition for the conversion of such corporation into a nonprofit sewer company and such articles of conversion were duly complied with. Such articles of conversion and affidavit shall be submitted to the secretary of state for filing as provided in sections 49 to 66 of this act. The term "articles of incorporation" as used in sections 49 to 66 of this act shall be deemed to include the articles of conversion of a converted corporation.**

**Section 51. A nonprofit sewer company shall have power:**

**(1) To sue and be sued, in its corporate name;**

**(2) To have succession by its corporate name for the period stated in its articles of incorporation or, if no period is stated in its articles of incorporation, to have such succession perpetually;**

**(3) To adopt a corporate seal and alter the same at pleasure;**

**(4) To provide water, waste water disposal and waste water treatment services to its members, to governmental agencies and political subdivisions;**

**(5) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, installing therein plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such plumbing fixtures, appliances, apparatus and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;**

**(6) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating commercial or industrial plants or facilities;**

**(7) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, water or waste water provision or collection or treatment systems, plants, lands, buildings, structures, dams, and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the company is organized;**

**(8) To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and easements;**

**(9) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real or personal property, assets, franchises, revenues or income;**

**(10) To construct, maintain and operate water and waste water distribution and collection and treatment plants and lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands;**

**(11) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;**

**(12) To conduct its business and exercise any or all of its powers within or without this state;**

**(13) To adopt, amend and repeal bylaws; and**

**(14) To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the company is organized.**

**Section 52. A company may amend its articles of incorporation by complying with the following requirements:**

**(1) The proposed amendment shall be first approved by the board of directors and shall then be submitted to a vote of the members at any annual or special meeting thereof, the notice of which shall set forth the proposed**

amendment. The proposed amendment, with such changes as the members shall choose to make therein, shall be deemed to be approved on the affirmative vote of not less than two-thirds of those members voting thereon at such meeting; and

(2) (a) Upon such approval by the members, articles of amendment shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The articles of amendment shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the company;

b. The address of its principal office;

c. The date of the filing of its articles of incorporation in the office of the secretary of state; and

d. The amendment to its articles of incorporation;

(b) The president or vice president executing such articles of amendment shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act were duly complied with;

(c) Such articles of amendment and affidavit shall be submitted to the secretary of state for filing.

Section 53. A company may, upon authorization of a majority of the members at any regular or special meeting, change the location of its principal office by filing a certificate of change of principal office, executed and acknowledged in duplicate by its president or vice president under its seal attested by its secretary, in the office of the secretary of state. Such company shall also, within thirty days after the filing of such certificate of change of principal office, file certified copies of its articles of incorporation and all amendments thereto, if the same are not already on file.

Section 54. 1. Articles of incorporation, amendment, consolidation, merger, conversion, or dissolution, as the case may be, when executed and acknowledged in duplicate and accompanied by such affidavits as may be required by applicable provisions of sections 49 to 66 of this act, shall be presented to the secretary of state for filing in the records of his office.

2. If the secretary of state shall find that the articles presented conform to the requirements of sections 49 to 66 of this act, he shall file one copy of the articles so presented in the records of his office and upon such filing the incorporation, amendment, consolidation, merger, conversion, or dissolution provided for therein shall be in effect.

Section 55. The provisions of the securities law of Missouri shall not apply to any note, bond or other evidence of indebtedness issued by any nonprofit sewer company transacting business in this state pursuant to sections 49 to 66 of this act to the United States of America or to any agency or instrumentality thereof, or to any mortgage or deed of trust executed to secure the same. The provisions of such securities law of Missouri shall not apply to the issuance of membership certificates by any nonprofit sewer company.

Section 56. 1. No person shall become a member of a nonprofit sewer company unless such person shall agree to use water or services furnished by the company when such shall be available through its facilities. The bylaws of a company may provide that any person, including an incorporator, shall cease to be a member thereof if such person shall fail or refuse to use water or services made available by the company or if water or services shall not be made available to such person by the company within a specified time after such person shall have become a member thereof. Membership in the company shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members or by the president.

**4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the company is located.**

**5. Except as otherwise provided in sections 49 to 66 of this act, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.**

**6. Two percent of the members, present in person or by mail or proxy shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.**

**7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy or by mail, or both. If the bylaws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised.**

**Section 57. Notwithstanding any other provision of law, the bylaws may provide that the territory in which a company supplies water and waste water services may be divided into two or more voting districts for the purpose of properly distributing its directors over the area in which its members reside. In such case the bylaws shall prescribe the manner in which such voting districts shall function in the election of directors at annual meetings.**

**Section 58. 1. The business and affairs of a company shall be managed by a board of not less than five directors, each of whom shall be a member of the company. The bylaws shall prescribe the number of directors, their qualifications, other than those provided for in sections 49 to 66 of this act, the manner of holding meetings of the board of directors and of the election of successors to directors who shall resign, die, or otherwise be incapable of acting. The bylaws may also provide for the removal of directors from office and for the election of their successors. Without approval of the members, directors shall not receive any salaries for their services as directors. The bylaws may, however, provide that a fixed fee and expenses of attendance, if any, may be allowed to each director for attendance at each meeting of the board of directors.**

**2. The directors of a company named in any articles of incorporation, consolidation, merger or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors shall have been elected and qualified.**

**3. The bylaws shall provide that the directors shall be divided into three classes, each class to be as nearly equal in number as possible, with the term of office of the directors of the first class to expire at the next succeeding annual meeting and the term of the second class to expire at the second succeeding annual meeting, and the term of the third class to expire at the third succeeding annual meeting. At each annual meeting after such classification a number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the third succeeding annual meeting.**

**4. A majority of the board of directors shall constitute a quorum.**

**5. The board of directors may exercise all of the powers of a company except such as are conferred upon the members by sections 49 to 66 of this act, or its articles of incorporation or bylaws. Nothing in sections 49 to 66 of this act shall be deemed to prohibit a nonprofit sewer company from contracting with any other person or entity for any services needed by the nonprofit sewer company including, but not limited to, management or operations services.**

**Section 59. The officers of a nonprofit sewer company shall consist of a president, vice president, secretary and treasurer, who shall be elected annually. No person shall continue to hold the offices of president or vice president after he shall have ceased to be a director. The offices of secretary and of treasurer may be held by the same person and need not be a member of the board of directors. The board of directors may also elect or appoint such other officers, agents, or employees as it shall deem necessary or advisable and shall prescribe the powers and duties thereof. Any officer may be removed from office and his successor elected in the manner prescribed in the bylaws.**

**Section 60. 1. Every nonprofit sewer company constructing, maintaining and operating its water and waste water lines and treatment facilities shall construct, maintain and operate such lines and facilities in conformity with the rules and regulations relating to the manner and methods of construction, maintenance and operation and as to safety of the public with other lines and facilities now or hereafter from time to time prescribed by the department of natural resources for the construction, maintenance and operation of such lines or systems. The jurisdiction, supervision, powers and duties of the department of natural resources shall extend to every such nonprofit sewer company so far as it concerns the construction, maintenance and operation of the physical equipment of such company to the extent of providing for the safety of the public and the elimination or lessening of environmental hazards and of providing for the safety of employees and the general public.**

**2. The public service commission shall not have jurisdiction over the construction, maintenance or operation of the water and waste water facilities, service, rates, financing, accounting or management of any nonprofit sewer company.**

**Section 61. Revenues of a nonprofit sewer company for any fiscal year in excess of the amount thereof necessary:**

**(1) To defray expenses of the company and of the operation and maintenance of its facilities during such fiscal year;**

**(2) To pay interest and principal obligations of the company coming due in such fiscal year;**

**(3) To finance, or to provide a reserve for the financing of, the construction or acquisition by the company of additional facilities to the extent determined by the board of directors;**

**(4) To provide a reasonable reserve for working capital;**

**(5) To provide a reserve for the payment of indebtedness of the company maturing more than one year after the date of the incurrence of such indebtedness in an amount not less than the total of the interest and principal payments in respect thereof required to be made during the next following fiscal year; and**

**(6) To provide a fund for education in the effective use of services made available by the company;**

**shall, unless otherwise determined by a vote of the members, be distributed by the company to its members as patronage refunds prorated in accordance with the patronage of the company by the respective members paid for during such fiscal year.**

**Section 62. Nothing herein contained shall be construed to prohibit the payment by a company of all or any part of its indebtedness prior to the date when the same shall become due.**

**Section 63. 1. A nonprofit sewer company which has not commenced business may dissolve voluntarily by delivering to the secretary of state articles of dissolution, executed and acknowledged in duplicate on behalf of the company by a majority of the incorporators, which shall state:**

**(1) The name of the nonprofit sewer company;**

**(2) The address of its principal office;**

**(3) The date of its incorporation;**

**(4) That the company has not commenced business;**

**(5) That the amount, if any, actually paid in on account of membership fees, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto and that all easements shall have been released to the grantors;**

**(6) That no debt of the company remains unpaid; and**

**(7) That a majority of the incorporators elect that the company be dissolved.**

**2. Such articles of dissolution shall be submitted to the secretary of state for filing.**

**Section 64. A nonprofit sewer company which has commenced business may dissolve voluntarily and wind up its affairs in the following manner:**

**(1) The board of directors shall first recommend that the company be dissolved voluntarily and thereafter the proposition that the company be dissolved shall be submitted to the members of the company at any annual or special meeting, the notice of which shall set forth such proposition. The proposed voluntary dissolution shall be deemed to be approved upon the affirmative vote of not less than a majority of the members;**

**(2) Upon such approval, a certificate of election to dissolve, herein designated the "certificate", shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. The certificate shall state:**

**(a) The name of the nonprofit sewer company;**

**(b) The address of its principal office;**

**(c) The names and addresses of its directors; and**

**(d) The total number of members of the company and the number of members who voted for and against the voluntary dissolution of the company.**

**The president or vice president executing the certificate shall also make and annex thereto an affidavit stating that the provisions of this subdivision and subdivision (1) of this section were duly complied with. Such certificate and affidavit shall be submitted to the secretary of state for filing;**

**(3) Upon the filing of the certificate and affidavit by the secretary of state, the company shall cease to carry on its business except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until articles of dissolution have been filed by the secretary of state;**

**(4) After the filing of the certificate and affidavit by the secretary of state the board of directors shall immediately cause notice of the winding up proceedings to be mailed to each known creditor and claimant and to be published once a week for two successive weeks in a newspaper of general circulation in the county in which the principal office of the company is located;**

**(5) The board of directors shall become trustees and have full power to wind up and settle the affairs of the company and shall proceed to collect the debts owing to the company, convey and dispose of its property and assets, pay, satisfy, and discharge its debts, obligations, and liabilities, and do all other things required to liquidate its business and affairs, and after paying or adequately providing for the payment of all its debts, obligations and liabilities, shall distribute the remainder of its property and assets among its members in proportion to the aggregate patronage of each such member during the seven years next preceding the date of such filing of the certificate, or, if the company shall not have been in existence for such period, during the period of its existence; and**

**(6) (a) When all debts, liabilities and obligations of the company have been paid and discharged or adequate provision shall have been made therefor, and all of the remaining property and assets of the company shall have been distributed to the members pursuant to the provisions of sections 49 to 66 of this act, the board of directors shall authorize the execution of articles of dissolution which shall thereupon be executed and acknowledged on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. Such articles of dissolution shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:**

**a. The name of the nonprofit sewer company;**

b. The address of the principal office of the company;

c. That the company has heretofore delivered to the secretary of state a certificate of election to dissolve and the date on which the certificate was filed by the secretary of state in the records of his office;

d. That all debts, obligations and liabilities of the company have been paid and discharged or that adequate provision has been made therefor;

e. That all the remaining property and assets of the company have been distributed among the members in accordance with the provisions of sections 49 to 66 of this act; and

f. That there are no actions or suits pending against the company;

(b) The president or vice president executing the articles of dissolution shall also make and annex thereto an affidavit stating that the provisions of this section were duly complied with;

(c) Such articles of dissolution and affidavit, accompanied by proof of the publication required in this section, shall be submitted to the secretary of state for filing.

Section 65. Sections 49 to 66 of this act shall be construed liberally. The enumeration of any object, purpose, power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things. To the extent that sections 49 to 66 of this act does not speak to an issue, the provisions applicable to mutual benefit not for profit corporations or limited liability companies, as the nonprofit sewer company may elect in its articles of incorporation, which are not inconsistent with the provisions of sections 49 to 66 of this act shall apply to nonprofit sewer companies.

Section 66. The private property of the members of a nonprofit sewer company shall be exempt from execution for the debts of the company and no member shall be liable or responsible for any debts of the company.

Section 67. 1. Any entity authorized by law to engage in the business of offering waste water disposal or treatment services may apply to the department of natural resources to be designated as the sole regional or watershed supplier of such services.

2. The application to be designated as a regional or watershed supplier shall be on a form as developed by the department and shall at a minimum provide the following information:

(1) The region or watershed for which the applicant intends to provide service defined on a meets and bounds basis;

(2) The documents such as contracts, articles of incorporation, limited liability company forms or municipal ordinances which define the applicant's existence, ownership and management;

(3) Information as to the applicant's financial assets including balance sheet income statements for the previous five years or, if less than five years, income statements for the applicant's entire history;

(4) A description of the facilities owned or operated by the applicant;

(5) A business plan describing how and why the proposed region or watershed was selected and the applicant's plans for providing collection and treatment services in the requested area;

(6) A commitment by the applicant to provide area coverage for the entire area covered by the application and the applicant's plan for how to provide such services;

(7) A description of the services to be provided by the applicant to the region or watershed and the prices to be charged by the applicant;

**(8) A description of the standards that the applicant will require of other entities that will wish to connect with the applicant's collection and treatment systems.**

**3. Once a regional or watershed provider of waste water collection and treatment is approved by the department, no other person or entity may construct or operate collection or treatment facilities within the designated region or watershed except pursuant to the approved regional or watershed plan.**

**4. The department of natural resources shall give preference to regional or watershed providers in all of its licensing, permitting, and administration of loan and grant funds functions.**

**5. In evaluating among competing applicants to be a regional or watershed provider, the department shall give preference to those providers most likely to provide a stable, long-term solution without regard to the type of entity the applicant may be. Joint applications from existing providers of waste water collection and treatment services within the region or watershed shall be given preference.**

**6. Pricing of services by regional or watershed providers shall be set by such provider in the same manner the provider sets all other rates and charges and shall be on a nondiscriminatory basis with each user bearing its fair share of the costs of providing service to that user. Governmental entities shall charge no more for the same or similar services provided to users outside their boundaries than the entity charges to its citizens. Nonprofit sewer companies shall not charge nonmembers a higher rate than members for the same or similar services. Private sewer companies shall charge such rates as are approved pursuant to applicable law.**".

Representative Leake offered House Amendment No. 1 to House Amendment No. 23.

*House Amendment No. 1*

*to*

*House Amendment No. 23*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "thirty-six"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting "and 48" and inserting in lieu thereof the following: ", 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67"; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"**Section 49. 1. Nonprofit, membership corporations may be organized under sections 49 to 66 of this act for the purpose of supplying water and waste water disposal and treatment services within the state of Missouri. Corporations which become subject to sections 49 to 66 of this act in the manner herein provided are herein referred to as "nonprofit sewer companies". Five or more persons may organize a nonprofit sewer company pursuant to sections 49 to 66 of this act.**

**2. The articles of incorporation of a nonprofit sewer company shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act, shall be signed and acknowledged in duplicate by at least five of the incorporators and shall state:**

**(1) The name of the company;**

**(2) The address of its principal office;**

**(3) The names and addresses of the incorporators;**

**(4) The number of years the company is to continue, which may be any number including perpetuity;**

**(5) The names and addresses of the persons who shall constitute its first board of directors;**

**(6) Whether the company chooses to operate under the provisions of chapter 347, RSMo, or chapter 355, RSMo; and**

**(7) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of its business and affair. Such articles of incorporation shall be submitted to the secretary of state for filing.**

**Section 50. Any corporation organized under the laws of this state for the purpose, among others, of supplying water, waste water disposal, or waste water treatment may be converted into a nonprofit sewer company and become subject to sections 49 to 66 of this act with the same effect as if originally organized under sections 49 to 66 of this act by complying with the following requirements:**

**(1) The proposition for the conversion of such corporation into a nonprofit sewer company and proposed articles of conversion to give effect thereto shall be first approved by the board of trustees or the board of directors, as the case may be, of such corporation. The proposed articles of conversion shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:**

**(a) The name of the corporation prior to its conversion into a nonprofit sewer company;**

**(b) The address of the principal office of such corporation;**

**(c) The date of the filing of the articles of incorporation of such corporation in the office of the secretary of state;**

**(d) The statute or statutes under which such corporation was organized;**

**(e) The name assumed by such corporation;**

**(f) A statement that such corporation elects to become a nonprofit, membership corporation subject to sections 49 to 66 of this act;**

**(g) The manner and basis of converting either memberships in or shares of stock of such corporation into memberships therein after completion of the conversion; and**

**(h) Any provisions not inconsistent with sections 49 to 66 of this act deemed necessary or advisable for the conduct of the business and affairs of such corporation.**

**(2) The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion approved by the board of trustees or board of directors, as the case may be, of such corporation shall then be submitted to a vote of the members or stockholders, as the case may be, of such corporation at any duly held annual or special meeting thereof, the notice of which shall set forth full particulars concerning the proposed conversion. The proposition for the conversion of such corporation into a nonprofit sewer company and the proposed articles of conversion, with such amendments thereto as the members or stockholders of such corporation shall choose to make, shall be deemed to be approved upon the affirmative vote of not less than a majority of the members of such corporation, or, if such corporation is a stock corporation, upon the affirmative vote of the holders of not less than a majority of the capital stock of such corporation.**

**(3) Upon such approval by the members or stockholders of such corporation, articles of conversion in the form approved by such members or stockholders shall be executed and acknowledged in duplicate on behalf of such corporation by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The president or vice president executing such articles of conversion on behalf of such corporation shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act with respect to the approval of its trustees or directors and its members or stockholders, of**

the proposition for the conversion of such corporation into a nonprofit sewer company and such articles of conversion were duly complied with. Such articles of conversion and affidavit shall be submitted to the secretary of state for filing as provided in sections 49 to 66 of this act. The term "articles of incorporation" as used in sections 49 to 66 of this act shall be deemed to include the articles of conversion of a converted corporation.

Section 51. A nonprofit sewer company shall have power:

(1) To sue and be sued, in its corporate name;

(2) To have succession by its corporate name for the period stated in its articles of incorporation or, if no period is stated in its articles of incorporation, to have such succession perpetually;

(3) To adopt a corporate seal and alter the same at pleasure;

(4) To provide water, waste water disposal and waste water treatment services to its members, to governmental agencies and political subdivisions, and to other persons;

(5) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, installing therein plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such plumbing fixtures, appliances, apparatus and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

(6) To make loans to persons to whom water, waste water disposal or waste water treatment is or will be supplied by the company for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating commercial or industrial plants or facilities;

(7) To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, water or waste water provision or collection or treatment systems, plants, lands, buildings, structures, dams, and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the company is organized;

(8) To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights-of-way and easements;

(9) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real or personal property, assets, franchises, revenues or income;

(10) To construct, maintain and operate water and waste water distribution and collection and treatment plants and lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands;

(11) To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems;

(12) To conduct its business and exercise any or all of its powers within or without this state;

(13) To adopt, amend and repeal bylaws; and

(14) To do and perform any and all other acts and things, and to have and exercise any and all other powers

which may be necessary, convenient or appropriate to accomplish the purpose for which the company is organized.

Section 52. A company may amend its articles of incorporation by complying with the following requirements:

(1) The proposed amendment shall be first approved by the board of directors and shall then be submitted to a vote of the members at any annual or special meeting thereof, the notice of which shall set forth the proposed amendment. The proposed amendment, with such changes as the members shall choose to make therein, shall be deemed to be approved on the affirmative vote of not less than two-thirds of those members voting thereon at such meeting; and

(2) (a) Upon such approval by the members, articles of amendment shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president and its corporate seal shall be affixed thereto and attested by its secretary. The articles of amendment shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the company;

b. The address of its principal office;

c. The date of the filing of its articles of incorporation in the office of the secretary of state; and

d. The amendment to its articles of incorporation;

(b) The president or vice president executing such articles of amendment shall also make and annex to each copy thereof an affidavit stating that the provisions of sections 49 to 66 of this act were duly complied with;

(c) Such articles of amendment and affidavit shall be submitted to the secretary of state for filing.

Section 53. A company may, upon authorization of a majority of the members at any regular or special meeting, change the location of its principal office by filing a certificate of change of principal office, executed and acknowledged in duplicate by its president or vice president under its seal attested by its secretary, in the office of the secretary of state. Such company shall also, within thirty days after the filing of such certificate of change of principal office, file certified copies of its articles of incorporation and all amendments thereto, if the same are not already on file.

Section 54. 1. Articles of incorporation, amendment, consolidation, merger, conversion, or dissolution, as the case may be, when executed and acknowledged in duplicate and accompanied by such affidavits as may be required by applicable provisions of sections 49 to 66 of this act, shall be presented to the secretary of state for filing in the records of his office.

2. If the secretary of state shall find that the articles presented conform to the requirements of sections 49 to 66 of this act, he shall file one copy of the articles so presented in the records of his office and upon such filing the incorporation, amendment, consolidation, merger, conversion, or dissolution provided for therein shall be in effect.

Section 55. The provisions of the securities law of Missouri shall not apply to any note, bond or other evidence of indebtedness issued by any nonprofit sewer company transacting business in this state pursuant to sections 49 to 66 of this act to the United States of America or to any agency or instrumentality thereof, or to any mortgage or deed of trust executed to secure the same. The provisions of such securities law of Missouri shall not apply to the issuance of membership certificates by any nonprofit sewer company.

Section 56. 1. No person shall become a member of a nonprofit sewer company unless such person shall agree to use water or services furnished by the company when such shall be available through its facilities. The bylaws of a company may provide that any person, including an incorporator, shall cease to be a member thereof if such person shall fail or refuse to use water or services made available by the company or if water or services shall not be made available to such person by the company within a specified time after such person shall have become a member thereof. Membership in the company shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of

membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the company is located.

5. Except as otherwise provided in sections 49 to 66 of this act, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten nor more than twenty-five days before the date of the meeting.

6. Two percent of the members, present in person or by mail or proxy shall constitute a quorum for the transaction of business at all meetings of the members, unless the bylaws prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

7. Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy or by mail, or both. If the bylaws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting shall be exercised.

Section 57. Notwithstanding any other provision of law, the bylaws may provide that the territory in which a company supplies water and waste water services may be divided into two or more voting districts for the purpose of properly distributing its directors over the area in which its members reside. In such case the bylaws shall prescribe the manner in which such voting districts shall function in the election of directors at annual meetings.

Section 58. 1. The business and affairs of a company shall be managed by a board of not less than five directors, each of whom shall be a member of the company. The bylaws shall prescribe the number of directors, their qualifications, other than those provided for in sections 49 to 66 of this act, the manner of holding meetings of the board of directors and of the election of successors to directors who shall resign, die, or otherwise be incapable of acting. The bylaws may also provide for the removal of directors from office and for the election of their successors. Without approval of the members, directors shall not receive any salaries for their services as directors. The bylaws may, however, provide that a fixed fee and expenses of attendance, if any, may be allowed to each director for attendance at each meeting of the board of directors.

2. The directors of a company named in any articles of incorporation, consolidation, merger or conversion, as the case may be, shall hold office until the next following annual meeting of the members or until their successors shall have been elected and qualified.

3. The bylaws shall provide that the directors shall be divided into three classes, each class to be as nearly equal in number as possible, with the term of office of the directors of the first class to expire at the next succeeding annual meeting and the term of the second class to expire at the second succeeding annual meeting, and the term of the third class to expire at the third succeeding annual meeting. At each annual meeting after such classification a number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the third succeeding annual meeting.

4. A majority of the board of directors shall constitute a quorum.

5. The board of directors may exercise all of the powers of a company except such as are conferred upon the members by sections 49 to 66 of this act, or its articles of incorporation or bylaws. Nothing in sections 49 to 66 of this act shall be deemed to prohibit a nonprofit sewer company from contracting with any other person or entity for any services needed by the nonprofit sewer company including, but not limited to, management or operations services.

**Section 59.** The officers of a nonprofit sewer company shall consist of a president, vice president, secretary and treasurer, who shall be elected annually. No person shall continue to hold the offices of president or vice president after he shall have ceased to be a director. The offices of secretary and of treasurer may be held by the same person and need not be a member of the board of directors. The board of directors may also elect or appoint such other officers, agents, or employees as it shall deem necessary or advisable and shall prescribe the powers and duties thereof. Any officer may be removed from office and his successor elected in the manner prescribed in the bylaws.

**Section 60. 1.** Every nonprofit sewer company constructing, maintaining and operating its water and waste water lines and treatment facilities shall construct, maintain and operate such lines and facilities in conformity with the rules and regulations relating to the manner and methods of construction, maintenance and operation and as to safety of the public with other lines and facilities now or hereafter from time to time prescribed by the department of natural resources for the construction, maintenance and operation of such lines or systems. The jurisdiction, supervision, powers and duties of the department of natural resources shall extend to every such nonprofit sewer company so far as it concerns the construction, maintenance and operation of the physical equipment of such company to the extent of providing for the safety of the public and the elimination or lessening of environmental hazards and of providing for the safety of employees and the general public.

**2.** The public service commission shall not have jurisdiction over the construction, maintenance or operation of the water and waste water facilities, service, rates, financing, accounting or management of any nonprofit sewer company.

**Section 61.** Revenues of a nonprofit sewer company for any fiscal year in excess of the amount thereof necessary:

**(1)** To defray expenses of the company and of the operation and maintenance of its facilities during such fiscal year;

**(2)** To pay interest and principal obligations of the company coming due in such fiscal year;

**(3)** To finance, or to provide a reserve for the financing of, the construction or acquisition by the company of additional facilities to the extent determined by the board of directors;

**(4)** To provide a reasonable reserve for working capital;

**(5)** To provide a reserve for the payment of indebtedness of the company maturing more than one year after the date of the incurrence of such indebtedness in an amount not less than the total of the interest and principal payments in respect thereof required to be made during the next following fiscal year; and

**(6)** To provide a fund for education in the effective use of services made available by the company;

shall, unless otherwise determined by a vote of the members, be distributed by the company to its members as patronage refunds prorated in accordance with the patronage of the company by the respective members paid for during such fiscal year.

**Section 62.** Nothing herein contained shall be construed to prohibit the payment by a company of all or any part of its indebtedness prior to the date when the same shall become due.

**Section 63. 1.** A nonprofit sewer company which has not commenced business may dissolve voluntarily by delivering to the secretary of state articles of dissolution, executed and acknowledged in duplicate on behalf of the company by a majority of the incorporators, which shall state:

**(1)** The name of the nonprofit sewer company;

**(2)** The address of its principal office;

**(3)** The date of its incorporation;

**(4) That the company has not commenced business;**

**(5) That the amount, if any, actually paid in on account of membership fees, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto and that all easements shall have been released to the grantors;**

**(6) That no debt of the company remains unpaid; and**

**(7) That a majority of the incorporators elect that the company be dissolved.**

**2. Such articles of dissolution shall be submitted to the secretary of state for filing.**

**Section 64. A nonprofit sewer company which has commenced business may dissolve voluntarily and wind up its affairs in the following manner:**

**(1) The board of directors shall first recommend that the company be dissolved voluntarily and thereafter the proposition that the company be dissolved shall be submitted to the members of the company at any annual or special meeting, the notice of which shall set forth such proposition. The proposed voluntary dissolution shall be deemed to be approved upon the affirmative vote of not less than a majority of the members;**

**(2) Upon such approval, a certificate of election to dissolve, herein designated the "certificate", shall be executed and acknowledged in duplicate on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. The certificate shall state:**

**(a) The name of the nonprofit sewer company;**

**(b) The address of its principal office;**

**(c) The names and addresses of its directors; and**

**(d) The total number of members of the company and the number of members who voted for and against the voluntary dissolution of the company.**

**The president or vice president executing the certificate shall also make and annex thereto an affidavit stating that the provisions of this subdivision and subdivision (1) of this section were duly complied with. Such certificate and affidavit shall be submitted to the secretary of state for filing;**

**(3) Upon the filing of the certificate and affidavit by the secretary of state, the company shall cease to carry on its business except insofar as may be necessary for the winding up thereof, but its corporate existence shall continue until articles of dissolution have been filed by the secretary of state;**

**(4) After the filing of the certificate and affidavit by the secretary of state the board of directors shall immediately cause notice of the winding up proceedings to be mailed to each known creditor and claimant and to be published once a week for two successive weeks in a newspaper of general circulation in the county in which the principal office of the company is located;**

**(5) The board of directors shall become trustees and have full power to wind up and settle the affairs of the company and shall proceed to collect the debts owing to the company, convey and dispose of its property and assets, pay, satisfy, and discharge its debts, obligations, and liabilities, and do all other things required to liquidate its business and affairs, and after paying or adequately providing for the payment of all its debts, obligations and liabilities, shall distribute the remainder of its property and assets among its members in proportion to the aggregate patronage of each such member during the seven years next preceding the date of such filing of the certificate, or, if the company shall not have been in existence for such period, during the period of its existence; and**

**(6) (a) When all debts, liabilities and obligations of the company have been paid and discharged or adequate provision shall have been made therefor, and all of the remaining property and assets of the company shall**

have been distributed to the members pursuant to the provisions of sections 49 to 66 of this act, the board of directors shall authorize the execution of articles of dissolution which shall thereupon be executed and acknowledged on behalf of the company by its president or vice president, and its corporate seal shall be affixed thereto and attested by its secretary. Such articles of dissolution shall recite in the caption that they are executed pursuant to sections 49 to 66 of this act and shall state:

a. The name of the nonprofit sewer company;

b. The address of the principal office of the company;

c. That the company has heretofore delivered to the secretary of state a certificate of election to dissolve and the date on which the certificate was filed by the secretary of state in the records of his office;

d. That all debts, obligations and liabilities of the company have been paid and discharged or that adequate provision has been made therefor;

e. That all the remaining property and assets of the company have been distributed among the members in accordance with the provisions of sections 49 to 66 of this act; and

f. That there are no actions or suits pending against the company;

(b) The president or vice president executing the articles of dissolution shall also make and annex thereto an affidavit stating that the provisions of this section were duly complied with;

(c) Such articles of dissolution and affidavit, accompanied by proof of the publication required in this section, shall be submitted to the secretary of state for filing.

Section 65. Sections 49 to 66 of this act shall be construed liberally. The enumeration of any object, purpose, power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things. To the extent that sections 49 to 66 of this act does not speak to an issue, the provisions applicable to mutual benefit not for profit corporations or limited liability companies, as the nonprofit sewer company may elect in its articles of incorporation, which are not inconsistent with the provisions of sections 49 to 66 of this act shall apply to nonprofit sewer companies.

Section 66. The private property of the members of a nonprofit sewer company shall be exempt from execution for the debts of the company and no member shall be liable or responsible for any debts of the company.

Section 67. 1. Any entity authorized by law to engage in the business of offering waste water disposal or treatment services may apply to the department of natural resources to be designated as the sole regional or watershed supplier of such services.

2. The application to be designated as a regional or watershed supplier shall be on a form as developed by the department and shall at a minimum provide the following information:

(1) The region or watershed for which the applicant intends to provide service defined on a meets and bounds basis;

(2) The documents such as contracts, articles of incorporation, limited liability company forms or municipal ordinances which define the applicant's existence, ownership and management;

(3) Information as to the applicant's financial assets including balance sheet income statements for the previous five years or, if less than five years, income statements for the applicant's entire history;

(4) A description of the facilities owned or operated by the applicant;

(5) A business plan describing how and why the proposed region or watershed was selected and the

**applicant's plans for providing collection and treatment services in the requested area;**

**(6) A commitment by the applicant to provide area coverage for the entire area covered by the application and the applicant's plan for how to provide such services;**

**(7) A description of the services to be provided by the applicant to the region or watershed and the prices to be charged by the applicant;**

**(8) A description of the standards that the applicant will require of other entities that will wish to connect with the applicant's collection and treatment systems.**

**3. Once a regional or watershed provider of waste water collection and treatment is approved by the department, no other person or entity may construct or operate collection or treatment facilities within the designated region or watershed except pursuant to the approved regional or watershed plan.**

**4. The department of natural resources shall give preference to regional or watershed providers in all of its licensing, permitting, and administration of loan and grant funds functions.**

**5. In evaluating among competing applicants to be a regional or watershed provider, the department shall give preference to those providers most likely to provide a stable, long-term solution without regard to the type of entity the applicant may be. Joint applications from existing providers of waste water collection and treatment services within the region or watershed shall be given preference.**

**6. Pricing of services by regional or watershed providers shall be set by such provider in the same manner the provider sets all other rates and charges and shall be on a nondiscriminatory basis with each user bearing its fair share of the costs of providing service to that user. Governmental entities shall charge no more for the same or similar services provided to users outside their boundaries than the entity charges to its citizens. Private sewer companies shall charge such rates as are approved pursuant to applicable law.**".

On motion of Representative Leake, House Amendment No. 1 to House Amendment No. 23 was adopted.

On motion of Representative Leake, House Amendment No. 23, as amended, was adopted.

Representative Riback Wilson offered House Amendment No. 24.

*House Amendment No. 24*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 78, Section 305.230, Lines 64 through 70, by deleting all of said lines; and

Further amend said bill, Page 78, Section 305.230, Line 71, by deleting the figure "**7.**" and inserting in lieu thereof the figure "**6.**".

On motion of Representative Riback Wilson, House Amendment No. 24 was adopted.

Representative Bonner offered House Amendment No. 25.

Representative Pouche raised a point of order that House Amendment No. 25 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Fitzwater offered House Amendment No. 25.

*House Amendment No. 25*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 21, Section 99.845, Lines 1 through 116, by deleting all of said lines and inserting in lieu thereof the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes**, penalties and interest** levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes**, and any applicable penalty and interest,** attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived **and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable**. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850[.]**;**

**(3) For purposes of this section, "levies upon real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied by article X, section 38(b) of the Missouri Constitution.**

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes**, penalty and interest** imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding **sales and use taxes on motor vehicles, trailers, boats and outboard motors,** taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, **taxes levied pursuant to section 70.500, RSMo,** licenses, fees or special assessments other than payments in lieu of taxes **and any penalty and interest thereon**, shall be allocated to, and paid by the collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes**, penalty and interest** which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of

the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding **personal property taxes, sales and use taxes on motor vehicles, trailers, boats and outboard motors,** taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, **taxes levied pursuant to section 70.500, RSMo,** licenses, **and** fees or special assessments [and personal property taxes], other than payments in lieu of taxes **and penalty and interest thereon**, shall be allocated to, and paid by the collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

**4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of new state revenues as defined in this section, reported by businesses within the redevelopment area as identified by the municipality over and above the amount of such taxes reported by businesses within the redevelopment area as identified by the municipality in the calendar year prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, shall be rebated to, and paid by the director of the department of revenue according to rules promulgated by the department, pursuant to section 536.024, RSMo, to the treasurer or other designated financial officer of the municipality who shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805. For all redevelopment plans or projects adopted after the effective date of this act, new revenues from state taxes shall not be rebated or deposited into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs for twenty-three years following the adoption of the ordinance approving the redevelopment project. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.**

**5. Subsection 4 of this section shall apply only to blighted areas located within state enterprise zones or federal empowerment zones which, at the time of the approval of the project by ordinance:**

**(1) Contained one or more buildings at least fifty years old; and**

**(2) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding their designation as a project area by ordinance; or**

**(3) Was an historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.**

**6. The rebate of fifty percent of new state revenues authorized pursuant to subsection 4 of this section shall not be rebated by the department of revenue to a municipality until all of the following conditions have been satisfied:**

**(1) The department of economic development and the commissioner of administration have approved an application made to the department of economic development by the municipality for the rebate of new state revenues. For new projects approved after August 28, 1997, such application must be made at least one month prior to the adoption by the municipality of an ordinance approving a redevelopment project;**

**(2) The affidavit required by section 99.810 shall specify that the redevelopment area would not be reasonably anticipated to be developed without the rebate of the new state revenues. Such affidavit shall be signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met; and**

**(3) The cost-benefit analysis required by section 99.810 includes a fiscal impact study upon the state of Missouri.**

**7. In addition to those areas authorized in subsection 5 of this section, the rebate authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after the effective date of this act, and which are contained within a county of the first classification without a charter form of government which contains part of a city in excess of three hundred fifty thousand residents.**

**8. There is hereby established within the state treasury a special fund to be known as the "Missouri Tax Increment Financing Fund", to be administered by the department of revenue. The department shall annually credit to the Missouri tax increment financing fund the tax authorized under the provisions of subsection 4 of this section. The fund shall also consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources. Moneys in the Missouri tax increment financing fund shall be disbursed pursuant to appropriations by the general assembly. The department shall disburse such appropriated funds in a timely manner into the separate, segregated account as authorized by subsection 4 of this section. All moneys remaining in the Missouri tax increment financing fund at the end of the fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri tax increment financing fund.**".

Representative Fitzwater offered House Amendment No. 1 to House Amendment No. 25.

*House Amendment No. 1*

*to*

*House Amendment No. 25*

AMEND House Amendment No. 25 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 9, Section 99.845, Line 14, by deleting all of lines 14 and 15, and inserting in lieu thereof the following:

"**government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.**"

On motion of Representative Fitzwater, House Amendment No. 1 to House Amendment No. 25 was adopted.

Representative Campbell offered House Amendment No. 2 to House Amendment No. 25.

*House Amendment No. 2*

*to*

*House Amendment No. 25*

AMEND House Amendment No. 25 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 22, Section 99.845, Line 37, by inserting immediately after said line the following:

(4) Beginning January 1, 1998, for purposes of this section "levies upon real property in such redevelopment project by taxing districts" shall not include the merchants and manufacturer's inventory replacement tax levied by Article X, section 6.2 of the Missouri Constitution.

On motion of Representative Campbell, House Amendment No. 2 to House Amendment No. 25 was adopted.

On motion of Representative Fitzwater, House Amendment No. 25, as amended, was adopted.

Representative McLuckie offered House Amendment No. 26.

Representative Ostmann raised a point of order that House Amendment No. 26 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative DeMarce offered House Amendment No. 26.

Representative Rizzo raised a point of order that House Amendment No. 26 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Elliott offered House Amendment No. 26.

Representative Rizzo raised a point of order that House Amendment No. 26 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Gibbons offered House Amendment No. 26.

Representative Farmer raised a point of order that House Amendment No. 26 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Barry offered House Amendment No. 26.

*House Amendment No. 26*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 124, Section B, Line 3, by inserting after all of said line the following:

"Section C. Three new sections are enacted, to be known as sections 135.550, 135.600, and 49 to read as follows:

**135.550. 1. As used in this section, the following terms shall mean:**

**(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;**

**(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

**(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit**

**has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.**

**5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of social services may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director of the department of social services shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.**

**7. The director of the department of social services shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of social services, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of social services, of its apportioned tax credits during this predetermined period of time, the director of the department of social services may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**

**135.600. 1. As used in this section, the following terms shall mean:**

**(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence pursuant to section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;**

**(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

**(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.**

**5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.**

**7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**

**Section 49. The department of economic development shall assist the director of the department of social services and the director of public safety in administering the tax credits available under sections 135.550 and 135.600, RSMo.**

Section D. Section C of this act shall become effective on January 1, 1998.".

Representative Rizzo raised a point of order that House Amendment No. 26 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Barry, House Amendment No. 26 was adopted by the following vote:

AYES: 108

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Champion Chrismer Cierpiot Crawford Davis 63

DeMarce Dolan Donovan Elliott Enz

Evans Farnen Foley Ford Foster

Froelker Gaskill Gaston Gibbons Graham 106

Gratz Green Griesheimer Gross Hagan-Harrell

Hall Hartzler 124 Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kissell
Lakin Lawson Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Marble May 108 Mays 50 McBride McClelland
Merideth Miller Monaco Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Parker Patek Pouche Pryor Ransdall
Reinhart Reynolds Richardson Ridgeway Ross
Sallee Schwab Scott Secrest Sheldon 104
Shields Skaggs Steen Stokan Stoll
Stroker Summers Surface Townley Treadway
Vogel Wannenmacher Williams 159

NOES: 042

Backer Bray 84 Campbell Carter Clayton
Cooper Copeland Daniel 42 Davis 122 Days
Farmer Fitzwater Franklin Fritts Goward
Graham 24 Gunn Hartzler 123 Hoppe Kelly 27
Koller Kreider Leake Lumpe McLuckie
Overschmidt Purgason Relford Rizzo Robirds
Scheve Schilling Seigfreid Shear Shelton 57
Smith Thomason 163 Troupe Van Zandt Williams 121
Wilson Wooten

PRESENT: 000

ABSENT WITH LEAVE: 013

Bland Crump Daniels 41 Dougherty Edwards-Pavia
Hand Harlan Heckemeyer Kennedy Tate
Thompson 37 Wiggins Mr. Speaker

**HCS SS SCS SB 165, as amended,** was placed on the Informal Calendar.

Representative Scheve assumed the Chair.

**HCS SB 21**, relating to sales tax, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SB 21**.

Representative Hoppe offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 14, Section 67.1300, Line 18, by adding immediately after said line, the following:

"**13. For purposes of this section, the term "economic development" is limited to the following:**

**(1) Operations of economic development or community development offices, including the salaries of employees;**

**(2) Provision of training for job creation or retention;**

**(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and**

**(4) Refurbishing of existing structures and property relating to community development.**"

On motion of Representative Hoppe, House Amendment No. 1 was adopted.

Representative Froelker offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 9, Section 67.1300, Line 10 of said page, by inserting after the word "**hundred**" the following: "**or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred**".

On motion of Representative Froelker, House Amendment No. 2 was adopted.

Representative Smith offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 1, In the Title, Line 3 of said page, by deleting the word "section" and inserting in lieu thereof the following: "sections 52.230 and"; and

Further amend said bill, Page 1, In the Title, Line 6 of said page, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the words "and section" and inserting in lieu thereof the following: "and sections 52.230 and"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by inserting after the word "sections" the following: "52.230,"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least fifteen days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. **Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time**

**such statement is mailed for an amount of real or tangible personal property taxes, or both.** Collectors shall also mail tax receipts for all the taxes received by mail.".

On motion of Representative Smith, House Amendment No. 3 was adopted.

Representative Ross offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 32, Section 184.880, Line 7, by inserting after all of said line the following:

"321.244. 1. Any fire protection district which has revised or reduced any levy which it has been authorized to impose under the provisions of section 321.225, 321.240, 321.241, 321.243, **321.246,** 321.610, or 321.620, under any provision of the constitution or laws of this state, may increase each such revised or reduced levy up to, but not in excess of, the maximum limits allowed under the section authorizing the rate of levy sought to be increased by submitting the following proposition to the voters of the district at any primary, general or special election:

Shall the board of directors of the ..... Fire Protection District be authorized to increase the rate of levy for ..... from ..... cents to ..... cents on each one hundred dollars of

(Insert purpose of which tax is levied)

assessed valuation?

[ ] Yes [ ] No

2. If any of the propositions submitted under subsection 1 of this section is approved by a majority of the voters of the district voting thereon, the board of directors may increase the levy which was the subject of such proposition to the amount authorized by such proposition.

**321.246. 1. The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, or the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county of the first classification without a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.**

**2. The ballot of submission shall contain, but need not be limited to, the following language:**

**Shall the fire protection district of ..... (district's name) impose a district-wide sales tax of ..... for the purpose of providing revenues for the operation of the fire protection district?**

**[ ] Yes [ ] No**

**If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax**

**authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.**

**3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.**

**4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the fire protection district sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection district sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.**

**5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.**

**6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.**"; and

Further amend title and enacting clause accordingly.

On motion of Representative Ross, House Amendment No. 4 was adopted.

Representative Hoppe offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 39, Section 2, Line 2 of said page, by inserting after all of said line the following:

"**3. The provisions of sections 2 to 19 of this act shall only apply to a city located in more than three counties with a population greater than four hundred thousand**,

**Any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city not within a county.**"

On motion of Representative Hoppe, House Amendment No. 5 was adopted.

Representative Gratz offered House Amendment No. 6.

Representative Gross raised a point of order that House Amendment No. 6 is improperly drafted.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Cooper offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 80 and 81, Chapter 184.880, Section 20, Line 19, by deleting all of said section 20; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Cooper, House Amendment No. 6 was adopted.

Representative Marble offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 9, Section 67.1300, Line 10 of said page, by inserting after the word "**hundred**" the following: "**or a county of the third classification with a population greater than sixteen thousand eight hundred but less than seventeen thousand or a county of the third classification with a population greater than forty-four thousand but less than forty-five thousand**".

On motion of Representative Marble, House Amendment No. 7 was adopted.

Representative Skaggs offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 87, Section B, Line 19, by inserting after all of said line the following:

"Section C. One new section is enacted, to be known as section 2, to read as follows:

**Section 2. As referred to in sections 92.110 and 92.210, RSMo, the terms salaries, wages, commissions and other compensation shall not include any contributions to any deferred compensation plan, including, but not limited to, any salary reduction plan, cafeteria plan or any other similar plan deferring the receipt of compensation by a resident or nonresident if such contribution is not subject to Missouri state income tax at the time such contribution is made.**".

On motion of Representative Skaggs, House Amendment No. 8 was adopted.

Representative Long offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 81, Section 21, Line 17, by

adding immediately after the word "**county**" the following words: "**or a portion thereof**", and

Further amend said bill, Page 83, Section 23, Line 18, by adding immediately after the word "**county**" the following words: "**or a portion thereof**".

On motion of Representative Long, House Amendment No. 9 was adopted.

Representative Gratz offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 87, Section 27, Line 11, by inserting after all of said line the following:

"**Section 28. 1. The governing body of any city in which is located the seat of state government is hereby authorized to impose, by ordinance or order, a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding economic development. For the purposes of this section, the term "economic development" shall mean the promotion of the economy of the city, the development of the city, trade, business, conventions, tourism, and other activities and programs impaction on the economy of the city, including the funding of the construction and operation of civic and convention centers, as determined by the city imposing the tax. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. The ordinance or order shall become effective after the governing body of the city shall submit to the voters of that city a proposal to authorize the tax.**

**2. The ballot of submission shall contain, but need not be limited to, the following language:**

**Shall the city of . . . . . (name of city) impose a sales tax of . . . . . (insert amount) for the purpose of funding economic development?**

**[ ] YES [ ] NO**

**If you are in favor of the question, place an "X in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".**

**If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order shall be in effect, beginning the first day of the second calendar quarter following its adoption. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to impose the sales tax authorized in this section unless and until the governing body of the city shall again have submitted another such proposal and the proposal is approved by the requisite majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section.**

**3. After the effective date of any tax imposed pursuant to the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.550, RSMo, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized pursuant to the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.**

**4. The sales tax may be approved at a rate of one-eighth of one percent, one-fourth of one percent, three-eights of one percent, one-half of one percent, five-eighths of one percent, three-fourths of one percent, seven-eighths of one percent, or one percent of the receipts from the sale at retail of all tangible personal property and taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo.**

**5. All revenue generated from the tax authorized pursuant to the provisions of this section shall be deposited**

**into the "Local Economic Development Sales Tax Fund", which is hereby created in the state treasury. The fund moneys shall be distributed to the city from which the revenue was generated for the sole purpose of funding economic development, as that term is defined in this section. Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the fund shall be used solely for that purpose.**".

And further amend the title and enacting clause accordingly.

On motion of Representative Gratz, House Amendment No. 10 was adopted.

Representative Wiggins offered House Amendment No. 11.

Representative Hoppe raised a point of order that House Amendment No. 11 goes beyond the scope of the bill.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Edwards-Pavia offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 32, Section 1, by deleting all of said section.

And further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Edwards-Pavia, House Amendment No. 11 was adopted.

Representative Tate offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 14, Section 67.1300, Line 18, by adding immediately after said line, the following:

"99.870. (1) Any city with a population in excess of 400,000 may file a plan with the department of economic development to develop a race track facility classified in SIC 7944, in an enterprise zone as described in Chapter 135 RSMo. If the director and the commissioner of administration approve the plan, the director may provide that some portion of the state sales tax generated by the development be rebated to the department of revenue, which shall deposit such rebate in a special fund for the purpose of paying the cost of public infrastructure necessitated by the project. Monies in such special fund shall be expanded only as approved by appropriation of the General Assembly. In determining the amount of state sales tax so generated, the director may use such reasonable multipliers as are commonly accepted by the International Association of Convention and Visitors' Bureaus. The approval of the director shall become final upon the ratification thereof by the joint committee on economic development, policy and planning, established pursuant to Section 620.602, RSMo. The provisions of this section shall not apply to state sales tax revenues from redevelopment areas designated pursuant to Section 99.845.4, and shall not apply to sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund pursuant to Section 144.701, and sales and use taxes on motor vehicles, trailers, boats, and outboard motors.

(2) There is hereby established within the state treasury a special fund to be known as the "Missouri Sales Tax Increment Financing Revolving Fund", to be administered by the department of revenue. The department shall annually credit to the Missouri sales tax increment financing fund the sales tax authorized under the provisions of sections 99.845.4 and 99.870.";

And further amend the title and enacting clause accordingly.

On motion of Representative Tate, House Amendment No. 12 was adopted.

Representative Tate offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 1, In the Title, Line 1, by deleting "section 67.671" and inserting in lieu thereof the following: "sections 67.671 and 321.300"; and

Further amend said bill, Page 1, In the Title, Line 6, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting "Section 67.671" and inserting in lieu thereof the following: "Sections 67.671 and 321.300"; and

Further amend said bill, Page 1, Section A, Line 11, by deleting the word "forty-four" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 1, Section A, Line 15, by inserting immediately after the number "184.880," the number "321.300,"; and

Further amend said bill, Page 32, Section 184.880, Line 7, by inserting after all of said line the following:

"321.300. 1. The boundaries of any district organized [under] **pursuant to** the provisions of this chapter may be changed in the manner [herein] prescribed **in this section**; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) [Seventy-five percent of the owners of any territory or tract of land near or adjacent to a fire protection district who own not less than fifty percent of the real estate in such territory or tract of land and not located within only a part of any municipality or another fire protection district] **Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed** may file with the board a petition in writing praying that such real property be included within the district; provided that in the case of a municipality having less than twenty percent of its total population in one fire protection district, the entire remaining portion may be included in another district so that none of the city is outside of a fire protection district at the time. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner; provided, however, that [in cases wherein the territory to be annexed contains more than two hundred taxpaying electors, a petition signed by at least one hundred taxpaying electors shall be sufficient, and] in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a fire protection district who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition;

(3) Notwithstanding any provision of law to the contrary, in any fire protection district which is partly or wholly located in a noncharter county of the first classification with a population of less than one hundred thousand which adjoins any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, if such fire protection district serves any portion of a city which is located in both such counties, the boundaries of the district may be expanded so as to include the entire city

within the fire protection district, but the boundaries of the district shall not be expanded beyond the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district shall be accomplished only if [seventy-five percent of the owners of any territory or tract of land within that part of the city which is not within the fire protection district] **twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed** file with the board a petition in writing praying that such real property be included within the district. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems it for the best interest of the district that some portion of the property in the petition not be included in the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction over the district, the property shall be included in the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in the district upon the order of the court. If the petition contains the signatures of [seventy-five percent of the property owners] **twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed** pursuant to subdivision (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district subject to the election provided in section 321.301. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

6. No fire protection district, or employee thereof, in which territory is annexed pursuant to this section shall be required to comply with any prescribed firefighter training program or regimen which would not otherwise apply to the district or its employees, but for the requirements applicable to the annexed territory.".

On motion of Representative Tate, House Amendment No. 13 was adopted.

Representative Kelly (27) offered House Amendment No. 14.

Representative Hoppe raised a point of order that House Amendment No. 14 is amending previously amended material.

Representative Scheve requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Hoppe, **HS HCS SB 21, as amended**, was adopted.

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Hoppe, **HS HCS SB 21, as amended,** was read the third time and passed by the following vote:

AYES: 136

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Bonner

Boucher Bray 84 Broach Burton Carter

Champion Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Franklin Fritts

Froelker Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Levin

Liese Long Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Ransdall Reinhart Relford Reynolds

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 022

Akin Berkstresser Boatright Campbell Chrismer

Farmer Foster Hendrickson Hohulin Kauffman

Kelly 27 Legan Linton Lograsso Loudon

McClelland Murphy Patek Pryor Purgason

Richardson Schwab

PRESENT: 000

ABSENT WITH LEAVE: 005

Bland Donovan Gaskill Hand Thompson 37

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 120

Auer Backer Barnett 4 Barry 100 Bartelsmeyer
Bauer Berkstresser Bonner Boucher Bray 84
Broach Burton Carter Champion Clayton
Cooper Copeland Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Farnen Fitzwater
Foley Ford Franklin Fritts Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hickey
Holand Hollingsworth Hoppe Hosmer Johnson
Kasten Kelley 47 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Liese
Long Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McLuckie Monaco Murray
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Ransdall Reinhart Relford
Reynolds Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Scott Secrest
Seigfreid Sheldon 104 Shelton 57 Shields Skaggs
Smith Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 040

Akin Alter Ballard Bennett 15 Boatright
Campbell Chrismer Cierpiot Crawford Elliott
Enz Evans Farmer Foster Froelker

Gaskill Gross Hegeman Hendrickson Hohulin

Howerton Kauffman Kelly 27 Legan Levin

Linton Lograsso Loudon McClelland Merideth

Miller Murphy Naeger Patek Pryor

Purgason Richardson Schwab Shear Steen

PRESENT: 000

ABSENT WITH LEAVE: 003

Bland Hand Thompson 37

On motion of Representative Barry, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

Speaker Gaw assumed the Chair.

**SB 128**, relating to loans, was taken up by Representative Liese.

Representative Copeland offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Bill No. 128, Page 1, In the Title, Line 2, by deleting the following on said line "and 408.233" and inserting in lieu thereof the following "**, 408.233 and 408.500**"; and

further amend said title, Line 4, by deleting the word "five" and inserting in lieu thereof the word "**six**"; and

further amend said bill, Page 1, Section A, Line 1, by deleting the following on said line "and 408.233" and inserting in lieu thereof the following "**, 408.233 and 408.500**"; and

further amend said section, Line 2, by deleting the word "five" and inserting in lieu thereof the word "**six**"; and

further amend said section, Line 4, by deleting the following on said line "and 408.233" and inserting in lieu thereof the following "**, 408.233 and 408.500**"; and

further amend said bill, Page 7, Section 408.233, Line 63, by inserting immediately after said line the following:

408.500. 1. Lenders exclusively in the business of making unsecured loans under five hundred dollars and who are not otherwise registered under chapter 408, RSMo, shall be registered with the director of the division of finance upon the payment of an annual registration fee of three hundred dollars. The license year shall commence on January first each year and the license fee may be prorated for expired months. Such lenders shall not charge, contract for or receive on such loans interest or any fee of any type or kind whatsoever which exceed the approved rate as provided in this subsection. Lenders shall file a rate schedule with the director who, upon review, shall approve rates comparable with those lawfully charged in the marketplace for similar loans. In determining marketplace interest rates, the director shall consider the appropriateness of rate requests made by lenders and rates allowed on similar loans in the states contiguous to Missouri. If the director takes no

action upon a filed rate schedule within thirty days of receipt, then it shall be deemed approved as filed. The director, on January first and July first of each year, shall consider the filing of new interest rate schedules to reflect changes in the marketplace. The director may promulgate rules regarding the computation and payment of interest, contract statements, payment receipts and advertising for loans made under the provisions of this section. The provisions of this section shall not apply to pawnbroker loans and small loans as authorized under chapter 367, RSMo.

2. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in excess of the rate established under this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in excess of the rate established under this section shall be guilty of a class A misdemeanor.

**3. Not withstanding any other law to the contrary, cost of collection expenses, which include court costs and attorneys expenses, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes under this section.**

Representative Froelker offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to Senate Bill No. 128, Page 3, Section 408.500, Line 2, by adding after the word "and" the word "reasonable"

On motion of Representative Froelker, House Amendment No. 1 to House Amendment

No. 1 was adopted.

On motion of Representative Copeland, House Amendment No. 1, as amended, was adopted.

Representative Champion offered House Amendment No. 2.

*House Amendment No. 2*

AMEND Senate Bill No. 128, Page 1, In the Title, Line 4, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word and figure "and 408.233" and inserting in lieu thereof the following: ", 408.233 and 1"; and

Further amend said bill, Page 7, Section 408.233, Line 63, by inserting after all of said line the following:

"**Section 1. 1. Except as otherwise provided in this section, any contract, entered into after the effective date of this section, for the sale, service or lease of manufactured goods or commodities or for the providing of services shall not contain a provision that the contract shall be automatically renewed at the end of a certain period of time unless such contract provides that the party providing the goods, commodities or services shall be required to send a written notice to all parties who are subject to the contract. The party providing the goods, commodities or services shall send such a notice to all other parties to the contract at least thirty days, but not more than sixty days, before the date of the renewal of the contract. Such notice shall state if the terms of the contract subject to renewal are the same as the previous contract period or if any terms in the contract are changed. The contract may be terminated at the end of the contract period by any party if the party sends a written notice of the termination of the contract to the other parties subject to the contract before the renewal date of the contract. The contract may provide that the contract may be automatically renewed on the terms**

**provided in the renewal notice if no party to the contract sends a notice of termination of the contract prior to the date of renewal. The notification requirements required in contracts pursuant to this section may be specifically waived within the contract for a specified period of time by placing a waiver within the contract in a prominent place in the written contract, but such a waiver shall only be valid where the party receiving the goods or services has indicated by signature or initials on that portion of the contract that such party has waived the notification requirements of this section. In addition, the provisions of this section shall not apply to any contract with the state or any political subdivision of this state, to any contract with a public institution of education in this state or to parties of automatic rollover contracts subject to cancellation at anytime without penalty or parties to contracts which provide for prorated refunds in the event of cancellation.**

**2. Any automatic renewal provision in a contract that violates the provisions of subsection 1 of this section is against public policy and is void and unenforceable.**".

Representative Smith raised a point of order that House Amendment No. 2 is not germane to the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Champion, House Amendment No. 2 was adopted by the following vote:

AYES: 105

Akin Alter Backer Ballard Barnett 4

Bartelsmeyer Bennett 15 Berkstresser Boatright Boucher

Broach Burton Campbell Champion Chrismer

Cierpiot Cooper Copeland Crawford Daniels 41

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farnen Ford Foster

Franklin Froelker Gaskill Gaston Gibbons

Graham 106 Gratz Green Gross Hagan-Harrell

Hall Hartzler 124 Hegeman Hendrickson Hohulin

Holand Hollingsworth Hoppe Howerton Kasten

Kauffman Kelley 47 Koller Kreider Lakin

Lawson Legan Levin Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

McBride McClelland McLuckie Miller Murphy

Naeger Nordwald Ostmann Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Robirds Ross Sallee

Schilling Scott Secrest Seigfreid Sheldon 104

Shields Skaggs Steen Summers Surface

Thomason 163 Townley Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 159 Wooten Mr. Speaker

NOES: 046

Auer Barry 100 Bauer Bonner Bray 84

Carter Clayton Crump Daniel 42 Davis 63

Davis 122 Days DeMarce Fitzwater Foley

Fritts Goward Graham 24 Griesheimer Gunn

Harlan Hartzler 123 Heckemeyer Hickey Johnson

Kelly 27 Kennedy May 108 Mays 50 Merideth

Monaco Murray O'Connor O'Toole Overschmidt

Parker Patek Rizzo Scheve Schwab

Shelton 57 Smith Stoll Stroker Treadway

Wilson

PRESENT: 002

Kissell Williams 121

ABSENT WITH LEAVE: 010

Bland Farmer Hand Hosmer Leake

Lograsso Shear Stokan Tate Thompson 37

Representative Skaggs offered House Amendment No. 3.

*House Amendment No. 3*

AMEND Senate Bill No. 128, Page 1, In the Title, Line 2, by inserting the number "367.052," after the word "sections", and

Further amend said bill, Page 1, Section A, Line 1, by inserting the number "367.052," after the word "Sections"; and

Further amend said bill, Page 1, by adding at the end of section A the following:

[**367.052. 1. Any person licensed by a county or municipality pursuant to chapter 367, RSMo, may make personal credit loans on unencumbered personal property the ownership of which is evidence and delineated by a state-issued certificate of title. The lender shall retain physical possession of the certificate of title for the entire length of the transaction, but shall not be required to retain physical possession of the titled personal property at any time. A lender making a title pledge loan may only hold unencumbered certificates of title for pledge. Such loans shall be evidence by a title pledge agreement which is hereby defined as a thirty-day written agreement whereby a lender agrees to make a loan of money to a pledgor, and the pledgor agrees to give the lender a security interest in unencumbered titled personal property owned by the pledgor.**

**2. The pledgor shall agree for the lender to keep possession of the certificate of title. The pledgor shall have the exclusive right to redeem the certificate of title by repaying the loan of money in full and by complying with the title pledge agreement. When the certificate of title is redeemed, the lender shall release the security interest in the titled personal property and return the personal property certificate of title to the pledgor. When the pledgor fails to redeem the certificate of title pursuant to the terms and conditions of the title pledge agreement or renew such agreement, the agreement shall be deemed to be expired. Upon such expiration, the lender shall be allowed to take possession of the titled personal property.**

**3. The maximum rate of interest that a lender shall contract for and receive for making and carrying any personal credit loan authorized by this section shall not exceed tow percent per month on the amount of such loan. Lenders may also charge, contract for, and receive a fee mutually agreed upon by the parties, which shall not be deemed interest to defray the ordinary costs of operations. Such fee may include the lenders cost for investigating the title, appraising the titled personal property, insuring the personal property, documenting and closing the title pledge transaction, and for all other services and costs of the lender including losses on**

**title pledge transactions. Such interest and fees shall be deemed to be earned, due and owing as of the date of the title pledge agreement and on the date of any subsequent renewal thereof.**]

Representative Copeland raised a point of order that House Amendment No. 3 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Skaggs moved that House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Relford offered House Amendment No. 4.

*House Amendment No. 4*

AMEND Senate Bill No. 128, Page 7, Section 408.233, Line 63, by inserting immediately after said line the following:

**Section 1. For the purpose of determining the legal loan limit in section 362.170 RSMo., the population of the community where the bank or trust company is located, shall not include inmates of a correctional institution located in that community.**

On motion of Representative Relford, House Amendment No. 4 was adopted.

On motion of Representative Liese, **SB 128, as amended,** was read the third time and passed by the following vote:

AYES: 140

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Cooper Copeland Crawford Daniel 42

Davis 122 DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Harlan Hartzler 123 Heckemeyer

Hegeman Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Clayton Gaston Hartzler 124 Hendrickson Murphy

PRESENT: 001

Williams 121

ABSENT WITH LEAVE: 017

Bland Bray 84 Crump Daniels 41 Davis 63

Days Farmer Goward Hall Hand

Kelly 27 Lograsso Long Robirds Shelton 57

Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Stoll, title to the bill was agreed to.

Representative Shear moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**SB 358, with House Committee Amendment Nos. 1, 2 and 3**, relating to release of records, was taken up by Representative Gratz.

On motion of Representative Gratz, House Committee Amendment No. 1 was adopted.

On motion of Representative Gratz, House Committee Amendment No. 2 was adopted.

On motion of Representative Gratz, House Committee Amendment No. 3 was adopted.

Representative Hosmer offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Bill No. 358, Page 1, In the Title, Line 2, by inserting after the number "1994," the following: "and section 660.317, RSMo Supp. 1996,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the following: "is repealed and two" and inserting in lieu thereof the following: "and section 660.317, RSMo Supp. 1996, are repealed and three"; and

Further amend said bill, Page 1, Section A, Lines 2 and 3, by deleting the word and number "and 210.498" and inserting in lieu thereof the following: ", 210.498 and 660.317"; and

Further amend said bill, Page 7, Section 210.498, Line 15, by inserting after all of said line the following:

"660.317. 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

(1) Is licensed as an operator pursuant to chapter 198, RSMo;

(2) Provides in-home services under contract with the department;

(3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities; or

(4) Is an entity licensed pursuant to chapter 197, RSMo**;**

**(5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health**.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540, RSMo.

3. Beginning August 28, 1997, [within] **not later than** two working days of hiring any person for a full-time, part-time or temporary position [that has] **to have** contact with any patient or resident the provider shall, or in the case of temporary employees hired through an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section [610.120] **43.540**, RSMo; and

(2) Make an inquiry to the department of social services, whether the person is listed on the employee disqualification list as provided in section 660.315.

4. When the provider requests a criminal background check pursuant to section 43.530, RSMo, [or section 610.120, RSMo,] the requesting entity may require that the applicant reimburse the provider for the cost of such record check.

5. An applicant for a position [that has] **to have** contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540, RSMo, so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any

conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315.

6. A provider is guilty of a class A misdemeanor if the provider knowingly hires a person [that has] **to have** contact with patients or residents and the person has been convicted of, pled guilty to or nolo contendere in this state or any other state [to] **or has been found guilty of** any class A or B felony violation of chapter 565, 566 or 569, RSMo**, or any violation of subsection 3 of section 198.070, RSMo, or section 568.020, RSMo**.

7. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

8. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.".

On motion of Representative Hosmer, House Amendment No. 1 was adopted.

Representative Dougherty offered House Amendment No. 2.

*House Amendment No. 2*

AMEND Senate Bill No. 358, Page 4, Section 210.150, Line 98, by inserting immediately after the period "**.**" the following: "**The notarized release form shall include the full name, date of birth and social security number of the person who does or may provide care or services to a child.**"; and

Further amend said bill, Page 6, Section 210.498, Line 10, by inserting after the period "**.**" the following: "**The notarized release form shall include the full name, date of birth and social security number of the person who does or may provide care or services to a child.**".

On motion of Representative Dougherty, House Amendment No. 2 was adopted.

Representative Lograsso offered House Amendment No. 3.

*House Amendment No. 3*

AMEND Senate Bill No. 358, Page 7, Section 210.498, Line 15, by inserting after all of said line the following:

"566.617. 1. **Except as provided in subsection 3 of this section,** the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available [only] to courts, prosecutors and law enforcement agencies.

2. **Except as provided in subsection 3 of this section,** the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall not be open to inspection by the public or any person, other than a regularly employed peace officer or law enforcement officer.

**3. Notwithstanding any provision of law to the contrary, the local law enforcement agency shall provide a complete list of the names and addresses of each offender registered within such agency's jurisdiction as well as the crime for which such offender was convicted to any person upon request.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Lograsso, House Amendment No. 3 was adopted.

On motion of Representative Gratz, **SB 358, as amended,** was read the third time and passed by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Griesheimer Gross Gunn

Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Tate Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Bauer Bland Bray 84 Daniels 41 Goward

Green Hall Hand Harlan Kreider

Lakin Lawson McClelland Sallee Shelton 57

Surface Thomason 163 Thompson 37 Troupe

Speaker Gaw declared the bill passed.

On motion of Representative Fritts, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Gunn moved that motion lay on the table.

The latter motion prevailed.

**SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HB 713** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

**COMMITTEE REPORTS**

**Committee on Education - Elementary and Secondary**, Chairman Stoll reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **SS SCS SB 168**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Motor Vehicle and Traffic Regulations**, Chairman Sheldon (104) reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SS SB 120**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **SCS SB 376**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate Conferees on **HCS HBs 600 & 388, as amended,** are allowed to exceed the differences.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SS SB 121, as amended**: Senators Caskey, Curls, Wiggins, Graves and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 11, as amended**: Senators Caskey, Mathewson, Scott, Graves and Westfall.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS HBs 600 & 388, as amended**: Senators Howard, Banks, Clay, Klarich and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS HCS SCS SB 89, as amended**: Senators Mathewson, Scott, Caskey, Westfall and Russell.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 816**, and has taken up and passed **SCS HB 816 as amended by the CCR**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 620**, entitled:

An act to repeal section 392.410, RSMo Supp. 1996, relating to certificate of public convenience and necessity for telecommunications service, and to enact in lieu thereof one new section relating to the same subject.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 2 and Senate Amendment No. 3.

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 57, by adding the following:

"The provisions of this subsection shall expire on August 28, 2002."

*Senate Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 620, Page 3, Section 392.410, Line 56, by striking the word "or" and further amend line 57 by inserting after the word "institution" the following:

"**; or**

**(5) Internet type services**"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HS HCS HB 472**, entitled:

An act to repeal section 288.038, RSMo 1994, and sections 288.036, 288.040, and 288.050, RSMo Supp. 1996, relating to unemployment compensation, and to enact in lieu thereof four new sections relating to the same subject.

With Senate Committee Amendment No. 1, Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3

*Senate Committee Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 472, Page 12, Section 288.050, Lines 61-63, by striking the following: "and shall, in cases of misconduct that involve a conviction for a criminal act of deceit or dishonesty in connection with his or her work,".

*Senate Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 472, Page 1, In the Title, Line 3, by striking the words "unemployment compensation" and inserting in lieu thereof the following: "the department of labor and industrial relations programs"; and

Further amend said bill, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with an effective date"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"287.020. 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. Any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. [The word "employee" shall not include an individual who is the owner and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the transportation division of the department of economic development or by the interstate commerce commission.]

2. The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen identifiable event or series of events happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. An injury is compensable if it is clearly work related. An injury is clearly work related if work was a substantial factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because work was a triggering or precipitating factor.

3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen out of and in the course of employment. The injury must be incidental to and not independent of the relation of employer and employee. Ordinary, gradual deterioration or progressive degeneration of the body caused by aging shall not be compensable, except where the deterioration or degeneration follows as an incident of employment.

(2) An injury shall be deemed to arise out of and in the course of the employment only if:

(a) It is reasonably apparent, upon consideration of all the circumstances, that the employment is a substantial factor in causing the injury; and

(b) It can be seen to have followed as a natural incident of the work; and

(c) It can be fairly traced to the employment as a proximate cause; and

(d) It does not come from a hazard or risk unrelated to the employment to which workers would have been equally exposed outside of and unrelated to the employment in normal nonemployment life;

(3) The terms "injury" and "personal injuries" shall mean violence to the physical structure of the body and to the personal property which is used to make up the physical structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other prostheses which are placed in or on the body to replace the physical structure and such disease or infection as naturally results therefrom. These terms shall in no case except as specifically provided in this chapter be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the worker is at work.

4. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident; except that in cases of occupational disease, the limitation of three hundred weeks shall not be applicable.

5. Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of such employment", it is hereby declared not to cover workers except while engaged in or about the premises where their duties are being performed, or where their services require their

presence as a part of such service.

6. A person who is employed by the same employer for more than five and one-half consecutive work days shall for the purpose of this chapter be considered an "employee".

7. The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

8. As used in this chapter and all acts amendatory thereof, the term "commission" shall hereafter be construed as meaning and referring exclusively to the labor and industrial relations commission of Missouri, and the term "director" shall hereafter be construed as meaning the director of the department of insurance of the state of Missouri or such agency of government as shall exercise the powers and duties now conferred and imposed upon the department of insurance of the state of Missouri.

9. The term "division" as used in this chapter means the division of workers' compensation of the department of labor and industrial relations of the state of Missouri.

10. For the purposes of this chapter, the term "minor" means a person who has not attained the age of eighteen years; except that, for the purpose of computing the compensation provided for in this chapter, the provisions of section 287.250 shall control.

287.030. 1. The word "employer" as used in this chapter shall be construed to mean:

(1) Every person, **or sole proprietor, limited liability partners, partners or copartners comprising a** partnership, association, corporation, trustee, receiver, the legal representatives of a deceased employer, and every other person, including any person or corporation operating a railroad and any public service corporation, using the service of another for pay;

(2) The state, county, municipal corporation, township, school or road, drainage, swamp and levee districts, or school boards, board of education, regents, curators, managers or control commission, board or any other political subdivision, corporation, or quasi-corporation, or cities under special charter, or under the commission form of government;

(3) Any of the above defined employers must have five or more employees to be deemed an employer for the purposes of this chapter unless election is made to become subject to the provisions of this chapter as provided in subsection 2 of section 287.090, except that construction industry employers who erect, demolish, alter or repair improvements shall be deemed an employer for the purposes of this chapter if they have one or more employees.

2. Any reference to the employer shall also include his insurer.

[287.037. Notwithstanding any other provision of law to the contrary, beginning January 1, 1997, those insurance companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, RSMo, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, RSMo, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.]

287.061. 1. Any city or county which issues an occupational or business license **for a contractor in the construction industry** shall require a certificate of insurance for workers' compensation coverage [if the

applicant for the license is required to cover his liability under this chapter.] **or an affidavit, the form of which shall be provided by the division of worker's compensation, signed by the applicant attesting that he or she is exempt.**

2. Any [applicant] **contractor** who fails to comply with the provisions of subsection 1 of this section shall be denied such a license until [he] **such person** furnishes a certificate of insurance.

3. It is unlawful, pursuant to section 287.128, for any [applicant] **contractor** to provide fraudulent information pursuant to this section.

4. Nothing in this section shall be construed to create or constitute a liability to or a cause of action against a city or county in regard to the issuance of any license pursuant to this section.

[287.090. 1. This chapter shall not apply to:

(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;

(2) Any worker who is a member of the employer's family within the third degree of affinity or consanguinity but such shall be included in the total number of employees of such employer for purposes of subdivision (3) of subsection 1 of section 287.030;

(3) Qualified real estate agents and direct sellers as those terms are defined in section 3508 of title 26 United States Code;

(4) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient, or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;

(5) Volunteers of a tax-exempt organization which operates under the standards of section 501(c)(3) of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;

(6) Persons providing services as adjudicators, sports officials, or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school, association of schools or nonprofit tax-exempt organization sponsoring the amateur youth programs.

2. Any employer in this section exempted under subsection 1 of this section may bring himself within the provisions of this chapter by filing with the division notice of his election to accept the provisions, or by the purchasing and accepting by the employer of a valid compensation insurance policy, and the election by the purchase and acceptance of the insurance policy shall include the exempted employments described in subsection 1 of this section if such intent is shown by the terms of the policy. The election shall take effect and continue from the date of filing with the division by the employer of his election to accept liability under this chapter, or from the effective date of the insurance policy. Any employer electing to become liable under this chapter may withdraw his election by filing with the division a notice that he desires to withdraw his election, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.

3. Any insurance company authorized to write insurance under the provisions of this chapter in this state shall file with the division a memorandum on a form prescribed by the division of any workers' compensation policy issued to any employer and of any renewal or cancellation thereof.

4. The mandatory coverage sections of this chapter shall not apply to the employment of any member of a family owning a family farm corporation as defined in section 350.010, RSMo, or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state, but such family members and officers of such family farm corporations may be covered under a policy of workers'

compensation insurance if approved by a resolution of the board of directors. Nothing in this subsection shall be construed to apply to any other type of corporation other than a family farm corporation.

5. A corporation may be exempt from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the division notice of election to be exempt. The election shall take effect and continue from the date of filing with the division by the corporation of the notice of exemption from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the division a notice to withdraw the election, which shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal.]

**287.090. 1. This chapter shall not apply to:**

**(1) Employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household;**

**(2) Employment where the person employed is an inmate confined in a state prison, penitentiary or county or municipal jail, or a patient or resident in a state mental health facility, and the labor or services of such inmate, patient, or resident are exclusively on behalf of the state, county or municipality having custody of said inmate, patient or resident. Nothing in this subdivision is intended to exempt employment where the inmate, patient or resident was hired by a state, county or municipal government agency after direct competition with persons who are not inmates, patients or residents and the compensation for the position of employment is not contingent upon or affected by the worker's status as an inmate, patient or resident;**

**(3) The employment of any member of a family owning a family farm corporation as defined in section 350.010, RSMo, or to the employment of any salaried officer of a family farm corporation organized pursuant to the laws of this state;**

**(4) Qualified real estate agents and direct sellers as those terms are defined in Section 3508 of Title 26 United States Code;**

**(5) An individual who is the owner or operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the division of motor carrier and railroad safety of the department of economic development or by the interstate commerce commission.**

**2. Any exempted employer in this section may bring himself within the provisions of this chapter by filing with the division notice of his election to accept the provisions, or by purchasing and accepting a valid compensation insurance policy, which lists such election in a manner and such form as determined by the department of insurance, and shall include the exempted employments described in subsection 1 of this section. The election shall take effect and continue from the date of filing with the division by the employer of his election to accept liability, under this chapter, or from the effective date of the insurance policy to the expiration date of the insurance policy. Any employer electing to become liable under this chapter by filing with the division notice of election may withdraw his election by filing with the division a notice that he desires to withdraw his election, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specified in the notice of withdrawal, or by non-renewing a valid compensation insurance policy.**

**287.091. 1. The following employers and classes of employees may be exempted from coverage if the employer so elects:**

**(1) Volunteers of a tax-exempt organization which operates under the standards of section 501(c)(3) of the federal Internal Revenue Code, where such volunteers are not paid wages, but provide services purely on a charitable and voluntary basis;**

**(2) Any worker who is a member of the employer's family within the third degree of affinity or consanguinity, except this provision applies only to employers who are sole proprietors;**

**(3) Persons providing services as adjudicators, sports officials or contest workers for interscholastic activities programs or similar amateur youth programs who are not otherwise employed by the sponsoring school,**

**association of schools or nonprofit tax exempt organization sponsoring the amateur youth programs;**

**(4) A corporation where there are no more than two owners of the corporation who are also the only employees of the corporation.**

**2. Any employer in subsection 1 of this section who wishes to exempt himself or his employees from the provisions of this chapter may do so by filing with the division notice of such elections on a form determined by the division, or by the purchase and acceptance of a valid compensation insurance policy which lists such exemptions in a manner and such form as determined by the department of insurance, and shall include the exempted employments described in subsection 1 of this section. The exemption shall take effect and continue from the date of filing with the division by the employer of his exemption from liability pursuant to this chapter, or from the effective date of the insurance policy to the expiration date of the insurance policy. Any employer electing to become exempted pursuant to this chapter may withdraw his exemption by filing with the division a notice that he desires to withdraw his exemption, which withdrawal shall take effect thirty days after the date of the filing, or at such later date as may be specific in the notice of withdrawal, or by nonrenewing the valid compensation insurance policy.**

**3. Notwithstanding any other provision of law to the contrary, beginning on the effective date of this section, those insurance companies providing coverage pursuant to chapter 287, to a limited liability company, as defined in section 347.015, RSMo, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, RSMo, shall also be provided coverage pursuant to chapter 287, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company.**

287.220. 1. All cases of permanent disability where there has been previous disability shall be compensated as herein provided. Compensation shall be computed on the basis of the average earnings at the time of the last injury. If any employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, of such seriousness as to constitute a hindrance or obstacle to employment or to obtaining reemployment if the employee becomes unemployed, and the preexisting permanent partial disability, if a body as a whole injury, equals a minimum of fifty weeks of compensation or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, according to the medical standards that are used in determining such compensation, receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree or percentage of disability, in an amount equal to a minimum of fifty weeks compensation, if a body as a whole injury or, if a major extremity injury only, equals a minimum of fifteen percent permanent partial disability, caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. After the compensation liability of the employer for the last injury, considered alone, has been determined by an administrative law judge or the commission, the degree or percentage of employee's disability that is attributable to all injuries or conditions existing at the time the last injury was sustained shall then be determined by that administrative law judge or by the commission and the degree or percentage of disability which existed prior to the last injury plus the disability resulting from the last injury, if any, considered alone, shall be deducted from the combined disability, and compensation for the balance, if any, shall be paid out of a special fund known as the second injury fund, hereinafter provided for. If the previous disability or disabilities, whether from compensable injury or otherwise, and the last injury together result in total and permanent disability, the minimum standards under this subsection for a body as a whole injury or a major extremity injury shall not apply and the employer at the time of the last injury shall be liable only for the disability resulting from the last injury considered alone and of itself; except that if the compensation for which the employer at the time of the last injury is liable is less than the compensation provided in this chapter for permanent total disability, then in addition to the compensation for which the employer is liable and after the completion of payment of the compensation by the employer, the employee shall be paid the remainder of the compensation that would be due for permanent total disability under section 287.200 out of a special fund known as the "Second Injury Fund" hereby created exclusively for the purposes as in this section provided and for special weekly benefits in rehabilitation cases as provided in section 287.141. Maintenance of the second injury fund shall be as provided by section 287.710. The state treasurer shall be the custodian of the second injury fund which shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto. The fund shall be subject to audit the same as state

funds and accounts and shall be protected by the general bond given by the state treasurer. Upon the requisition of the director of the division of workers' compensation, warrants on the state treasurer for the payment of all amounts payable for compensation and benefits out of the second injury fund shall be issued.

2. In all cases in which a recovery against the second injury fund is sought for permanent partial disability, permanent total disability, or death, the state treasurer as custodian thereof shall be named as a party, and shall be entitled to defend against the claim. The state treasurer, with the advice and consent of the attorney general of Missouri, may enter into compromise settlements as contemplated by section 287.390, or agreed statements of fact that would affect the second injury fund. All awards for permanent partial disability, permanent total disability, or death affecting the second injury fund shall be subject to the provisions of this chapter governing review and appeal. For all claims filed against the second injury fund on or after July 1, 1994, the attorney general shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the fund. Any legal expenses incurred by the attorney general's office in the handling of such claims, including, but not limited to, medical examination fees, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the fund. Effective July 1, 1993, the payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.

3. If more than one injury in the same employment causes concurrent temporary disabilities, compensation shall be payable only for the longest and largest paying disability.

4. If more than one injury in the same employment causes concurrent and consecutive permanent partial disability, compensation payments for each subsequent disability shall not begin until the end of the compensation period of the prior disability.

5. If an employer fails to insure or self-insure as required in section 287.280, funds from the second injury fund may be withdrawn to cover the fair, reasonable, and necessary expenses to cure and relieve the effects of the injury or disability of an injured employee in the employ of an uninsured employer, or in the case of death of an employee in the employ of an uninsured employer, funds from the second injury fund may be withdrawn to cover fair, reasonable, and necessary expenses in the manner required in sections 287.240 and 287.241. In defense of claims arising under this subsection, the treasurer of the state of Missouri, as custodian of the second injury fund, shall have the same defenses to such claims as would the uninsured employer. Any funds received by the employee or the employee's dependents, through civil or other action, must go towards reimbursement of the second injury fund, for all payments made to the employee, the employee's dependents, or paid on the employee's behalf, from the second injury fund pursuant to this subsection. The office of the attorney general of the state of Missouri shall bring suit in the circuit court of the county in which the accident occurred against any employer not covered by this chapter as required in section 287.280.

6. Every three years the second injury fund shall have an actuarial study made to determine the solvency of the fund, appropriate funding level of the fund, and forecasted expenditures from the fund. The first actuarial study shall be completed prior to July 1, 1988. The expenses of such actuarial studies shall be paid out of the fund for the support of the division of workers' compensation.

7. The director of the division of workers' compensation shall maintain the financial data and records concerning the fund for the support of the division of workers' compensation and the second injury fund. The division shall also compile and report data on claims made pursuant to subsection 9 of this section. The attorney general shall provide all necessary information to the division for this purpose.

8. All claims for fees and expenses filed against the second injury fund and all records pertaining thereto shall be open to the public.

[9. Any employee who at the time a compensable work-related injury is sustained is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury. The provisions of this subsection shall expire on August 28, 1996.]

**9. Any employee who at the time a compensable work-related injury is sustained is employed by more than one employer, the employer for whom the employee was working when the injury was sustained shall be responsible for wage loss benefits applicable only to the earnings in that employer's employment and the injured employee shall be entitled to file a claim against the second injury fund for any additional wage loss benefits attributed to loss of earnings from the employment or employments where the injury did not occur, up to the maximum weekly benefit less those benefits paid by the employer in whose employment the employee sustained the injury. The employee shall be entitled to a total benefit based on the total average weekly wage of such employee computed according to subsection 8 of section 287.250. The employee shall not be entitled to a greater rate of compensation than allowed by law on the date of the injury. The employer for whom the employee was working where the injury was sustained shall be responsible for all medical costs incurred in regard to that injury.**

[287.337. Rates and rating systems used by any insurer with regard to employers within the construction group of code classifications for work performed within this state shall, where applicable, be based upon the principles that an employer with a credible Missouri intrastate modification rate shall be required to apply only that intrastate modification rate on Missouri payroll exposure. Such employers without a credible Missouri intrastate modification rate shall be subjected to the higher of one point zero or their credible interstate modification rate on Missouri payroll exposure.]

287.380. 1. [Except as provided in subsection 2 of this section,] Every employer or his insurer in this state, whether he has accepted or rejected the provisions of this chapter, shall within ten days after knowledge of an accident resulting in personal injury to any employee notify the division thereof, and shall, within one month from the date of filing of the original notification of injury, file with the division under such rules and regulations and in such form and detail as the division may require, a full and complete report of every injury or death to any employee for which the employer would be liable to furnish medical aid, other than immediate first aid which does not result in further medical treatment or lost time from work, or compensation hereunder had he accepted this chapter, and every employer or insurer shall also furnish the division with such supplemental reports in regard thereto as the division shall require. All reports submitted under this subsection shall include the name, address, date of birth and wages of the deceased or injured employee, the time and cause of the accident, the nature and extent of the injury, the name and address of the employee's and the employer's or insurer's attorney of record, if any, the medical cost incurred in treating the injured employee, the amount of lost work time of the employee as a result of the injury and such other information as the director may reasonably require in order to maintain in the division, accurate and complete data on the impact of work-related injuries on the workers' compensation system. The division shall collect and maintain such data in such a form as to be readily retrieved and available for analysis by the division. Employers shall report all injuries to their insurance carrier, or third-party administrators, if applicable, within five days of the date of the injury or within five days of the date on which the injury was reported to the employer by the employee, whichever is later. Where an employer reports injuries covered pursuant to this chapter to his insurer or third-party administrator, the insurer or third-party administrator shall be responsible for filing the report prescribed in this section.

2. [The division shall provide by rule that for accidents involving less than five hundred dollars in total medical costs and no lost time from the employment, upon receipt of the notice required by section 287.420, the employer shall deliver a notice to the employee, on a form provided by the division, of the employee's rights under this chapter, giving the date and location of the accident, and the employer shall retain a copy of such notice signed by the employee. The employer shall forward a signed copy to the division accompanied by the report of injury.

3.] Every employer and his insurer, and every injured employee, his dependents and every person entitled to any rights hereunder, and every other person receiving from the division or the commission any blank reports with direction to fill out the same shall cause the same to be promptly returned to the division or the commission properly filled out and signed so as to answer fully and correctly to the best of his knowledge each question propounded therein, and a good and sufficient reason shall be given for failure to answer any question.

[4.] **3.** No information obtained under the provisions of this section shall be disclosed to persons other than the parties to compensation proceedings and their attorneys, except by order of the division or the commission, or at a hearing of compensation proceeding, but such information may be used by the division or the commission for statistical purposes.

[5.] **4.** Any person, including any employer, insurer or any employee, who violates any of the provisions of this section, including any employer or insurer who knowingly fails to report any accident under the provisions of subsection 1 of this section, or anyone who knowingly makes a false report or statement in writing to the division or the commission, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less

than one week nor more than one year, or by both the fine and imprisonment."; and

Further amend said bill, Page 12, Section 288.050, Line 78, by inserting immediately after all of said line the following:

"Section B. The repeal and reenactment of sections 287.020, 287.030, 287.037 and 287.090 and the enactment of section 287.091 shall be effective on January 1, 1998, and shall apply to policies renewed or issued on and after that date."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 472, Page 11, Section A, Line 3, by inserting immediately after said line the following:

"288.034. 1. "Employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied, and notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal unemployment tax law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which, as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required to be covered under this law.

2. The term "employment" shall include an individual's entire service, performed within or both within and without this state if:

(1) The service is localized in this state; or

(2) The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

3. Service performed by an individual for wages shall be deemed to be employment subject to this law:

(1) If covered by an election filed and approved pursuant to subdivision (2) of subsection 3 of section 288.080;

(2) If covered by an arrangement pursuant to section 288.340 between the division and the agency charged with the administration of any other state or federal unemployment insurance law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state.

4. Service shall be deemed to be localized within a state if the service is performed entirely within such state; or the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

5. Service performed by an individual for remuneration shall be deemed to be employment subject to this law unless it is shown to the satisfaction of the division that such services were performed by an independent contractor. In determining the existence of the independent contractor relationship, the common law of agency right to control shall be applied. The common law of agency right to control test shall include but not be limited to: If the alleged employer retains the right to control the manner and means by which the results are to be accomplished, the individual who performs the service is an employee. If only the results are controlled, the individual performing the service is an independent contractor.

6. The term "employment" shall include service performed for wages as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal; or as a traveling or city salesman, other than as

an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations, provided:

(1) The contract of service contemplates that substantially all of the services are to be performed personally by such individual; and

(2) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(3) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

7. Service performed by an individual in the employ of this state or any political subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof, and one or more other states or political subdivisions, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306(c)(7) of that act and is not excluded from "employment" under subsection 9 of this section, shall be "employment" subject to this law.

8. Service performed by an individual in the employ of a corporation or any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or other organization described in section 501(c)(3) of the Internal Revenue Code which is exempt from income tax under section 501(a) of that code if the organization had four or more individuals in employment for some portion of a day in each of twenty different weeks whether or not such weeks were consecutive within a calendar year regardless of whether they were employed at the same moment of time shall be "employment" subject to this law.

9. For the purposes of subsections 7 and 8 of this section, the term "employment" does not apply to service performed:

(1) In the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a governmental entity referred to in subdivision (3) of subsection 1 of section 288.032 if such service is performed by an individual in the exercise of duties:

(a) As an elected official;

(b) As a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(c) As a member of the state national guard or air national guard;

(d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(e) In a position which, under or pursuant to the laws of this state, is designated as (i) a major nontenured policymaking or advisory position, or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week; or

(4) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose

earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(6) By an inmate of a custodial or penal institution; or

(7) In the employ of a school, college, or university, if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance.

10. The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States, but:

(a) The employer is an individual who is a resident of this state; or

(b) The employer is a corporation which is organized under the laws of this state; or

(c) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria of subdivisions (1) and (2) of this subsection is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state;

(4) As used in this subsection and in subsection 11 of this section, the term "United States" includes the states, the District of Columbia and the Commonwealth of Puerto Rico.

11. An "American employer", for the purposes of subsection 10 of this section, means a person who is:

(1) An individual who is a resident of the United States; or

(2) A partnership, if two-thirds or more of the partners are residents of the United States; or

(3) A trust, if all of the trustees are residents of the United States; or

(4) A corporation organized under the laws of the United States or of any state.

12. The term "employment" shall not include:

(1) Service performed by an individual in agricultural labor;

(a) For the purposes of this subdivision, the term "agricultural labor" means remunerated service performed:

a. On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Federal Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 USC 1441j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

d. i. In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;

ii. In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of services described in item i of this subparagraph, but only if such operators produced more than one-half of the commodity with respect to which such service is performed;

iii. The provisions of items i and ii of this subparagraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

e. On a farm operated for profit if such service is not in the course of the employer's trade or business. As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures, used primarily for the raising of agricultural or horticultural commodities, and orchards;

(b) The term "employment" shall include service performed after December 31, 1977, by an individual in agricultural labor as defined in paragraph (a) of this subdivision when such service is performed for a person who, during any calendar quarter, paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor or for some portion of a day in a calendar year in each of twenty different calendar weeks, whether or not such weeks were consecutive, employed in agricultural labor ten or more individuals, regardless of whether they were employed at the same moment of time;

(c) For the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be considered as employed by such crew leader:

a. If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

b. If such individual is not in employment by such other person;

c. If any individual is furnished by a crew leader to perform service in agricultural labor for any other person and that individual is not in the employment of the crew leader:

i. Such other person and not the crew leader shall be treated as the employer of such individual; and

ii. Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person;

d. For the purposes of this subsection, the term "crew leader" means an individual who:

i. Furnishes individuals to perform service in agricultural labor for any other person;

ii. Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

iii. Has not entered into a written agreement with such other person under which such individual is designated as in employment by such other person;

(2) Domestic service in a private home except as provided in subsection 13 of this section;

(3) Service performed by an individual [under the age of eighteen years] in the delivery or distribution of newspapers or shopping news, [not] including delivery or distribution to any point for subsequent delivery or distribution;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Except as otherwise provided in this law, service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(6) Services with respect to which unemployment insurance is payable under an unemployment insurance system established by an act of Congress;

(7) Service performed in the employ of a foreign government;

(8) Service performed in the employ of an instrumentality wholly owned by a foreign government:

(a) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(b) If the division finds that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof. The certification of the United States Secretary of State to the United States Secretary of Treasury shall constitute prima facie evidence of such equivalent exemption;

(9) Service covered by an arrangement between the division and the agency charged with the administration of any other state or federal unemployment insurance law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's approved election are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(10) Service performed in any calendar quarter in the employ of a school, college or university not otherwise excluded, if such service is performed by a student who is enrolled and regularly attending classes at such school, college, or university, and the remuneration for such service does not exceed fifty dollars (exclusive of board, room, and tuition);

(11) Service performed by an individual for a person as a licensed insurance agent, a licensed insurance broker, or an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commissions;

(12) Domestic service performed in the employ of a local college club or of a local chapter of a college fraternity or sorority, except as provided in subsection 13 of this section;

(13) Services performed after March 31, 1982, in programs authorized and funded by the Comprehensive Employment and Training Act by participants of such programs, except those programs with respect to which unemployment insurance coverage is required by the Comprehensive Employment and Training Act or regulations issued pursuant thereto;

(14) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer; except, that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(15) Services performed by a licensed real estate salesperson or licensed real estate broker if at least eighty percent of the remuneration, whether or not paid in cash, for the services performed rather than to the number of hours worked is directly related to sales performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes;

(16) Services **performed as a direct seller who is engaged in the trade or business of the delivering or distribution of newspapers or shopping news, including any services directly related to such trade or business, or services** performed as a direct seller who is engaged in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in, or affiliated with, a permanent, fixed retail establishment, if eighty percent or more of the remuneration, whether or not paid in cash, for the services performed rather than the number of hours worked is directly related to sales performed pursuant to a written contract between such direct seller and the person for whom the services are performed, and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes;

(17) Services performed as a volunteer research subject who is paid on a per study basis for scientific, medical or drug related testing for any organization other than one described in section 501(c)(3) of the Internal Revenue Code or any governmental entity.

13. The term "employment" shall include domestic service as defined in subdivisions (2) and (12) of subsection 12 of this section performed after December 31, 1977, if the employing unit for which such service is performed paid cash wages of one thousand dollars or more for such services in any calendar quarter after December 31, 1977.

14. The term "employment" shall include or exclude the entire service of an individual for an employing unit during a pay period in which his services are not all excluded under the foregoing provisions, on the following basis: If the services performed during one-half or more of any pay period constitute employment as otherwise defined in this law, all the services performed during such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period do not constitute employment as otherwise defined in this law, then none of the services for such period shall be deemed to be employment. (As used in this subsection, the term "pay period" means a period of not more than thirty-one consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit employing him.) This subsection shall not be applicable with respect to service performed in a pay period where any such service is excluded under subdivision (7) of subsection 12 of this section.

15. The term "employment" shall not include the services of a full-time student who performed such services in the employ of an organized summer camp for less than thirteen calendar weeks in such calendar year.

16. For the purpose of subsection 15 of this section, an individual shall be treated as a full-time student for any period:

(1) During which the individual is enrolled as a full-time student at an educational institution; or

(2) Which is between academic years or terms if:

(a) The individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term; and

(b) There is a reasonable assurance that the individual will be so enrolled for the immediately succeeding academic year or term after the period described in paragraph (a) of this subdivision.

17. For the purpose of subsection 15 of this section, an organized summer camp shall mean a summer camp which:

(1) Did not operate for more than seven months in the calendar year and did not operate for more than seven months in the preceding calendar year; or

(2) Had average gross receipts for any six months in the preceding calendar year which were not more than thirty-three and one-third percent of its average gross receipts for the other six months in the preceding calendar year.

18. The term "employment" shall not mean service performed by a remodeling salesperson acting as an independent contractor; however, if the federal Internal Revenue Service determines that a contractual relationship between a direct provider and an individual acting as an independent contractor under the provisions of this subsection is in fact an employer-employee relationship for the purposes of federal law, then that relationship shall be considered as an employer-employee relationship for the purposes of this chapter."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 472, Page 1, Section A, Line 3, by inserting immediately after said section the following:

285.230. 1. As used in this section, "transient employer" means an employer as defined in sections 143.191, RSMo, 287.030, RSMo, and 288.032, RSMo, making payment of wages taxable under chapters 143, RSMo, 287, RSMo, and 288, RSMo, who is not domiciled in this state and who temporarily transacts any business within the state, but shall not include any employer who is not subject to Missouri income tax because of the provisions of 15 U.S.C. 381. The transaction of business shall be considered temporary at any time it cannot be reasonably expected to continue for a period of twenty-four consecutive months. Professional athletic teams and professional entertainers domiciled in a state other than Missouri shall be deemed a "transient employer" for the purposes of this section.

2. Employers meeting the following criteria shall not be required to file a financial assurance instrument as required by this section:

(1) The principal place of business of the employer must be in a county of another state which is contiguous to the state of Missouri; and

(2) The employer must have been under contract to perform work in Missouri for at least sixty days cumulatively out of twelve months during each of the two calendar years immediately preceding the employer's initial application for exemption from the provisions of this section; and

(3) The employer must have in his possession a tax clearance from the department of revenue and the division of employment security stating that the employer has faithfully complied with the tax laws of this state during the period set out in subdivision (2) of this subsection. Within ninety days of August 13, 1988, such employers must obtain initial tax clearances in accordance with subdivision (3) of this subsection. Any tax clearance issued under the provisions of this section by the division of employment security shall be submitted to the department of revenue. On or before January thirty-first of each year, except January thirty-first following the year during which the employer first meets these criteria, the employer shall submit application to the department of revenue and division of employment security for a renewed tax clearance. Failure to submit such renewal applications or failure to comply with applicable Missouri taxing and employment security laws during the period between annual renewal dates or removal of the employer's principal place of business from a county in another state which is contiguous to Missouri to a state other than Missouri shall immediately subject the employer to all provisions of this section. An employer meeting the requirements of this subsection shall still be subject to the provisions of subsection 5 of this section.

3. Every transient employer shall file with the director of revenue a financial assurance instrument including, but not limited to, a cash bond, a surety bond, or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution. The financial assurance instrument shall be in an amount not less than the average estimated quarterly withholding tax liability of the applicant, but in no case less than five thousand dollars nor more than twenty-five thousand dollars. Any corporate surety shall be licensed to do such business in this state and approved by the director of revenue to act as a surety. The transient employer shall be the principal obligor and the state of Missouri shall be the obligee. The financial assurance instrument shall be conditioned upon the prompt filing of true reports and the payment by such employer to the director of revenue of any and all withholding taxes which are now or which hereafter may be levied or imposed by the state of Missouri, upon the employer, together with any and all penalties and interest thereon, and generally upon the faithful compliance with the provisions of chapters 143, RSMo, 287, RSMo, and 288, RSMo.

4. Any transient employer who is already otherwise required to file a financial assurance instrument as a condition of any contract, provided said financial assurance instrument guarantees payment of all applicable state taxes and all withholding taxes levied or imposed by the state and provided that such financial assurance instrument is delivered by certified mail to the department of revenue by the applicable awarding entity at least fourteen days before the execution of the contract for the performance of work, may use the same financial assurance instrument to comply with the provisions of this section. Before such financial assurance instrument is approved by the awarding entity, the director of revenue shall be satisfied that such financial assurance instrument is sufficient to cover all taxes imposed by this state and the director shall so notify the awarding entity of the decision within the fourteen days prior to the execution of the contract. Failure to do so by the director shall waive any right to disapprove such financial assurance instrument. Before a financial assurance instrument is released by the entity awarding the contract, a tax clearance shall be obtained from the director of revenue that such transient employer has faithfully complied with all the tax laws of this state.

5. Every transient employer shall certify to the director of revenue that such employer has sufficient workers' compensation insurance either through a [self-insured plan or through a private company (carrier). Such insurance shall be approved by the division of workers' compensation of the department of labor and industrial relations of the state. A financial assurance instrument including, but not limited to, a cash bond, a surety bond, or an irrevocable letter of credit as defined in section 400.5-103, RSMo, shall be required of every transient employer who in the opinion of the division of workers' compensation does not have sufficient workers' compensation coverage. Such financial assurance instrument shall be in an amount not less than one hundred thousand dollars nor more than five hundred thousand dollars.] **self-insurance program or a policy of workers' compensation insurance issued by an approved workers' compensation carrier. The self-insurance program shall be approved by the division of workers' compensation pursuant to section 287.280, RSMo. The insurance policy shall be in a contract form approved by the department of insurance.**

6. In the event that liability upon the financial assurance instrument thus filed by the transient employer shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the director of revenue any surety on a bond theretofore given or financial institution shall have become unsatisfactory or unacceptable, then the director of revenue may require the employer to file a new financial assurance instrument in the same form and amount. If such new financial assurance instrument shall be furnished by such employer as above provided, the director of revenue shall upon satisfaction of any liability that has accrued, release the surety on the old bond or financial institution issuing the irrevocable letter of credit.

7. Any surety on any bond or financial institution issuing an irrevocable letter of credit furnished by any transient employer as provided in this section shall be released and discharged from any and all liability to the state of Missouri accruing on such bond or irrevocable letter of credit after the expiration of sixty days from the date upon which such surety or financial institution shall have lodged with the director of revenue a written request to be released and discharged; but the request shall not operate to relieve, release or discharge such surety or financial institution from any liability already accrued or which shall accrue during and before the expiration of said sixty-day period. The director of revenue shall promptly on receipt of notice of such request notify the employer who furnished such bond or irrevocable letter of credit and such employer shall on or before the expiration of such sixty-day period file with the director of revenue a new financial assurance instrument satisfactory to the director of revenue in the amount and form provided in this section.

8. Notwithstanding the limitation as to the amount of any financial assurance instrument fixed by this section, if a transient employer becomes delinquent in the payment of any tax or tenders a check in payment of tax which check is returned unpaid because of insufficient funds, the director may demand an additional instrument of such employer in an amount necessary, in the judgment of the director, to protect the revenue of the state. The penal sum of the additional instrument and the instrument furnished under the provisions of the law requiring such instrument may not exceed two quarters estimated tax liability.

9. For any period when a transient employer fails to meet the requirements of this section, there shall be added to any deficiency assessed against a transient employer, in addition to any other addition, interest, and penalties, an amount equal to twenty-five percent of the deficiency.

10. A taxpayer commits the crime of failure to file a financial assurance instrument if he knowingly fails to comply with the provisions of this section.

11. Failure to file a financial assurance instrument is a class A misdemeanor. Pursuant to section 560.021, RSMo, a corporation found guilty of failing to file a financial assurance instrument may be fined up to five thousand dollars or any higher amount not exceeding twice the amount the employer profited from the commission of the offense.

12. Failing to register with the department of revenue and execute the financial assurance instrument herein provided, prior to beginning the performance of any contract, shall prohibit the employer from performing on such contract until he complies with such requirements.

13. Each employer shall keep full and accurate records clearly indicating the names, occupations, and crafts, if applicable, of every person employed by him together with an accurate record of the number of hours worked by each employee and the actual wages paid. The payroll records required to be so kept shall be open to inspection by any authorized representative of the department of revenue at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for a period of one year following the completion of the contract in connection with which the records are made.

14. The entering into of any contract for the performance of work in the state of Missouri by any such employer shall be deemed to constitute an appointment of the secretary of state as registered agent of such employer for purposes of accepting service of any process, or of any notice or demand required or permitted by law. The service of any such process, notice or demand, when served on the secretary of state shall have the same legal force and validity as if served upon the employer personally within the state.

15. In addition, any employer who fails to file a financial assurance instrument as required by this section shall be prohibited from contracting for or performing labor on any public works project in this state for a period of one year.

16. Whenever a transient employer ceases to engage in activity within the state it shall be the duty of such transient employer to notify the director of revenue in writing at least ten days prior to the time the discontinuance takes effect.

**285.232. 1. Subject to the provisions of section 285.230, any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by section 285.230 before such entity issues a building permit to the transient employer. If any transient employer obtains a building permit without providing such proof, provides a fraudulently obtained tax clearance or a fraudulent financial assurance instrument or through any misrepresentation or any other fraudulent act or in any way violates the provisions of sections 285.230 to 285.234, the Missouri department of revenue shall request a temporary restraining order or seek injunctive relief to immediately prohibit further performance of work by the transient employer on such contract or project. The court may direct that any payments due such transient employer be equitably distributed in satisfaction of the transient employer's obligations pursuant to sections 285.230 to 285.234. Upon issuance of such order by a court of competent jurisdiction, the person for whom the work is being performed may engage another contractor as provided by law or any provision of contract and the person shall not be deemed to be in violation of the contract with such transient employer removed by the court. Nothing in this section shall be construed to create or constitute a liability to or a cause of action against a city or county in regard to the issuance of any license pursuant to this section.**

**2. Any contractor for private or public construction work in this state which contracts with or otherwise engages a subcontractor, which is deemed a transient employer is defined in section 285.230, to perform any portion of such work, shall require such subcontractor to show proof of having filed a financial assurance instrument with the director of revenue as required by section 285.230 and to show proof that the subcontractor holds a current valid certificate of insurance for workers' compensation coverage in this state, prior to the subcontractor performing any work on the project. If the subcontractor is self-insured for purposes of workers' compensation, the contractor shall require proof that such self-insurance by the subcontractor has been approved by the division of workers' compensation. The contractor shall not allow the subcontractor to perform on such contract until proof of compliance as required by this section has been provided to the contractor. If a subcontractor**

**which is deemed to be a transient employer has previously submitted proof of compliance as required by this section to a state agency or political subdivision for which the contract is being performed as a condition of being qualified to perform work for such agency or political subdivision, the general contractor shall not be required to obtain the proofs required by this section. If at any time prior to final payment to a subcontractor for work performed on a project, a contractor is notified in writing by the director of revenue or the director of the division of workers' compensation that a subcontractor is in violation of sections 285.230 to 285.234, the contractor shall withhold all or part of any payment to the subcontractor under the contract for payment in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer shall be deemed in compliance with the contract with the subcontractor to the extent of the amount paid to fulfill such obligation and with the laws of this state regarding timely payment under construction contracts and shall not be subject to any civil or criminal penalty for withholding such payment.**

**3. Notwithstanding the provision of section 32.057, RSMo, the Missouri department of revenue shall at least quarterly submit for publication in the Missouri Register a list of construction contractors performing work on construction projects in Missouri who are known by the department to be deemed transient employers pursuant to section 285.230. The department shall also update such list monthly and make such list available upon request without cost to any person.**

285.234. 1. Every transient employer, as defined in section 285.230 shall post in a prominent and easily accessible place at the worksite a clearly legible copy of the following:

(1) The notice of registration for employer withholding issued to such transient employer by the director of revenue;

(2) [The notice of registration for workers' compensation issued to such transient employer] **Proof of coverage for workers' compensation insurance or self-insurance signed by the transient employer and verified by the department of revenue through the records of** by the division of workers' compensation; and

(3) The notice of registration for unemployment insurance issued to such transient employer by the division of employment security.

2. Any transient employer failing to comply with the provisions of this section shall be liable for a penalty of five hundred dollars per day until the notices required by this section are posted a provided by this section."; and

Further amend said bill, by amending the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 207**, entitled:

An act to repeal sections 301.280, 301.550, 301.555, 301.557, 301.559, 301.562, 301.563, 301.564, 301.565, 301.572 and 301.573, RSMo 1994, and sections 301.553, 301.560, 301.566 and 301.570, RSMo Supp. 1996, relating to the motor vehicle commission, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause.

With Senate Amendment No. 1; Part 2 of Senate Amendment No. 2; Senate Amendment No. 3; Senate Amendment No. 4; Senate Amendment No. 5

*Senate Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 30, Section 301.566, Line 14, by inserting after the word "location." the following: "**Nothing contained in this section shall be construed as applying to the sale of motor vehicle or trailer through either a wholesale motor vehicle auction or public motor vehicle auction.**".

*Part II*

*of*

*Senate Amendment No. 2*

*AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 1, In the Title, Line 6, by striking the following: "the motor vehicle commission" and inserting in lieu thereof the following: "motor vehicles"; and further amend line 8, by striking the following: "emergency clause" and inserting in lieu thereof the following: "effective date for certain sections and an emergency clause for certain sections"; and*

*Further amend said bill, page 34, section 301.573, line 26, by inserting immediately after all of said line the following:*

*"303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.*

*2. The insurance identification card shall include all of the following information:*

*(1) The name and address of the insurer;*

*(2) The name of the named insured;*

*(3) The policy number;*

*(4) The effective dates of the policy, including month, day and year;*

*(5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five or more motor vehicles;* ***and***

*(6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.*

*3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.*

*4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:*

*(1) Name of the self-insurer;*

*(2) The word "self-insured";* ***and***

*(3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.*

*5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer who lawfully stops such operator* ***or investigates an accident*** *while that officer is engaged in the performance of the* ***officer's*** *duties [of his office]. If the operator fails to exhibit an insurance identification card, the officer shall notify the director of revenue, in the manner determined by the director****, and the officer may issue a citation to the operator pursuant to subsection 6 of this section****. A motor vehicle liability insurance policy, a motor vehicle*

*liability insurance binder, or receipt which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card.*

***6. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer pursuant to this section is guilty of a class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer wrote the citation.***

*303.025. 1. No owner of a motor vehicle registered in this state* ***, or required to be registered in this state,*** *shall operate the vehicle, or authorize any other person to operate the vehicle, unless the owner maintains the financial responsibility as required in this section. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers [his]* ***the person's*** *operation of the other's vehicle.* ***Any person who violates this section is guilty of a class C misdemeanor.***

*2. A motor vehicle owner shall maintain [his]* ***the owner's*** *financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.*

*3. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.*

*303.026. 1. The director shall inform each owner who registers a motor vehicle of the following:*

*(1) The existence of the requirement that every motor vehicle owner in the state* ***must*** *maintain his financial responsibility;*

***(2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;***

*[(2)]* ***(3)*** *The penalties which apply to violations of the requirement to maintain financial responsibility;*

*[(3)]* ***(4)*** *The benefits of maintaining coverages in excess of those which are required;*

*[(4)]* ***(5)*** *The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance.*

*2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs a [statement]* ***affidavit*** *provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways.* ***The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law." In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.***

*3. The director shall annually select for financial responsibility verification, a sample of the motor vehicle registrations or licenses which is statistically significant to determine the number of insured motorists in the state of Missouri, or to insure compliance. The director may utilize a variety of sampling techniques including but not limited to the processing of uniform traffic tickets, point system warning letters, and random surveys of motor vehicle registrations.* ***The director of revenue may verify the financial responsibility of any person reported under section 303.040.***

*4. Upon determination that the information provided by the owner or authorized agent is inaccurate, the director shall notify the owner of the need to provide, within thirty days, information establishing the existence of the required financial responsibility as of the date of such notice. Failure to provide such information shall result in the suspension of all registrations of the owner's motor vehicles failing to meet such requirements, as is provided in section 303.041.*

*303.030. 1. If within twenty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of five hundred dollars, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment for damages resulting from such accident as may be recovered against each operator or owner.* ***Any person challenging the director's determination shall have the burden of proving he or she was not at fault.***

*2. The director shall, within ninety days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided notice of such suspension shall be sent by the director to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security; provided, however, that the period of suspension provided for in this section shall be in addition to any period of suspension imposed under sections 303.041 and 303.042.*

*3. Where erroneous information is given the director with respect to the matters set forth in subdivision (1), (2) or (3) of subsection 4 of this section, he shall take appropriate action as hereinbefore provided, within forty-five days after receipt by him of correct information with respect to said matters.*

*4. This section shall not apply under the conditions stated in section 303.070, nor:*

*(1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;*

*(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;*

*(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor*

*(4) To any person qualifying as a self-insurer under section 303.220, nor to any person operating a motor vehicle for such self-insurer.*

*5. No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident.*

*Section B. The repeal and reenactment of sections 303.024, 303.025, 303.026, 303.030 and 303.043 of this act shall become effective on January 1, 1998."; and*

*Further amend said bill, page 34, section B, line 27, by striking the following: "B" and inserting in lieu thereof the following: "C"; and further amend line 29, by striking the following: "this act is" and inserting in lieu thereof the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.568, 301.570 and 301.573 of this act are"; and further amend line 31, by striking the word "is" and inserting in lieu thereof the word "are"; and further on page 27, line 32, by inserting immediately before "this act" the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.568, 301.570 and 301.573 of"; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 3*

*AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 34, Section 301.573, Line 26, by inserting after all of said line the following:*

*"**Section 1. As used in subdivision (5) of section 407.815, RSMo, the term "motor driven vehicle" shall not include "trailer" as such term is defined in subdivision (56) of section 301.010. RSMo.**"; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 4*

*AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 1, In the Title, Lines 5-6, by striking the following: "the motor vehicle commission" and inserting in lieu thereof the following: "motor vehicles"; and*

*Further amend said bill, page 1, section A, line 8, by inserting immediately after all of said line the following:*

*"301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days. **As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.***

*2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.*

***3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.***

*[3.] **4.** Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of fifteen days after taking possession*

*thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within fifteen days. The director shall issue a temporary permit or paper plate authorizing the operation of a motor vehicle or trailer by a buyer for not more than twenty days of the date of purchase.*

*[4.]* ***5.*** *The temporary permit or paper plate shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary plates or permits available to registered dealers in this state in sets of ten plates or permits. The fee for the temporary permit or plate shall be seven dollars and fifty cents for each permit or plate issued. No dealer shall charge more than seven dollars and fifty cents for each permit issued. The permit or plate shall be valid for a period of twenty days from the date of issuance by the director of revenue to the purchaser of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit or plate as set out above.*

*[5.]* ***6.*** *The permit or plate shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable him to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. Permits or paper plates issued under this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit and plate.*

*[6.]* ***7.*** *The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the paper plate or permit when issued to the buyer. The dealer shall also insert his dealer's number on the paper plate. Every dealer that issues a temporary permit or paper plate shall keep, for inspection of proper officers, a correct record of each permit or plate issued by him by recording the permit or plate number, buyer's name and address, year, make, manufacturer's number of vehicle on which the permit or plate is to be used, and the date of issuance.*

*301.210. 1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer.*

*2. The buyer shall then present such certificate, assigned as aforesaid, to the director of revenue, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that prescribed in subsection 5 of section 301.190.*

*3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the director of revenue. Certificates when so signed and returned to the director of revenue shall be retained by the director of revenue and all certificates shall be appropriately indexed so that at all times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer designated therein.*

*4.* ***Except as provided in subsection 5 of this section,*** *it shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass between the parties such certificates of ownership with an assignment thereof, as provided in this section, and the sale of any motor vehicle or trailer registered under the laws of this state, without the assignment of such certificate of ownership, shall be fraudulent and void.*

***5. A sale of a motor vehicle or trailer which has been completed without a transfer of the certificate of ownership at the time of the sale shall not be fraudulent or void if the seller has applied for a duplicate certificate of ownership and, upon receiving the duplicate, assigns the certificate of title within ten days. Any purchaser of a motor vehicle or trailer may obtain a temporary permit to operate such vehicle or trailer if the seller provides a signed and dated, notarized bill of sale as evidence of the transfer.****"; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 5*

*AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 207, Page 9, Section 301.553, Line 10, by inserting immediately after said line the following:*

***"No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated in accordance with the provisions of chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section and section 536.028 are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.****"; and*

*Further amend page 34, section 301.573, line 26, by inserting immediately after said line the following:*

*"**536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.*

***2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.*

***3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.*

***4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.*

***5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.*

***6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:*

***(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and***

***(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:***

***(a) An absence of statutory authority for the proposed rule;***

***(b) The proposed rule is in conflict with state law;***

***(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;***

***(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;***

***(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;***

***(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.***

***7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.***

***8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.***

***9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.***

***10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.***

***11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.***

***12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.***

***13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation."****; and*

*Further amend the title and enacting clause accordingly.*

*Emergency Clause Adopted.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted* ***House Committee Amendment No. 1 for SCS SB 373*** *and has taken up and passed* ***SCS SB 373, as amended.***

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SS SCS HB 259****, entitled:*

*An act to repeal section 409.402, RSMo Supp. 1996, and section 409.401 as enacted by house committee substitute for senate bill no. 375 of the first regular session of the eighty-ninth general assembly, relating to settlement of life insurance policies, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.*

*In which the concurrence of the House is respectfully requested.*

***CONFERENCE COMMITTEE REPORT***

***ON***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***SENATE SUBSTITUTE***

***FOR***

***SENATE BILL NO. 11***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Bill No. 11, with House Amendment No. 1, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14 and House Substitute Amendment No. 1 to House Amendment No. 15; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 11, with House Amendment No. 1, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14 and House Substitute Amendment No. 1 to House Amendment No. 15;*

*2. That the Senate recede from its position on the Senate Substitute, for Senate Bill No. 11;*

*3. That the attached Conference Committee Substitute be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Sam Leake /s/ Harold Caskey*

*/s/ Richard Franklin /s/ John Scott*

*/s/ Gary Wiggins /s/ James Mathewson*

*/s/ Mark Richardson /s/ Sam Graves*

*/s/ Beth Long /s/ Morris Westfall*

***ADJOURNMENT***

*On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, May 13, 1997.*

***CORRECTIONS TO THE HOUSE JOURNAL***

*Correct House Journal, Sixty-Ninth Day, Friday, May 9, 1997, page 1813, Line 19, by deleting the word "untimely" and inserting in lieu thereof the words "unconstitutionally untimely".*

*Pages 1724 and 1725, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".*

*Pages 1725 and 1726, roll call, by showing Representatives Hollingsworth and Reynolds voting "aye" rather than "absent with leave".*

*Page 1727, roll call, by showing Representatives Hosmer and Kelley (47) voting "aye" rather than "absent with leave".*

*Page 1728, roll call, by showing Representative DeMarce voting "aye" rather than "absent with leave".*

*Page 1729, roll call, by showing Representative Sallee voting "aye" rather than "absent with leave".*

*Pages 1729 and 1730, roll call, by showing Representatives Bonner, Days, Sallee and Seigfreid voting "aye" rather than "absent with leave".*

*Pages 1730 and 1731, roll call, by showing Representatives Naeger and Reinhart voting "aye" rather than "absent with leave".*

*Pages 1730 and 1731, roll call, by showing Representative Crawford voting "aye" rather than "no".*

*Pages 1731 and 1732, roll call, by showing Representative Gross voting "aye" rather than "absent with leave".*

*Page 1732, roll call, by showing Representative McClelland voting "aye" rather than "absent with leave".*

*Page 1733, roll call, by showing Representative Kennedy voting "aye" rather than "absent with leave".*

*Page 1733, roll call, by showing Representative Reinhart voting "no" rather than "absent with leave".*

*Page 1734, roll call, by showing Representatives Bennett (15), Reynolds and Ross voting "aye" rather than "absent with leave".*

*Page 1759, roll call, by showing Representative Gibbons voting "aye" rather than "absent with leave".*

*Page 1753, roll call, by showing Representatives Parker and Purgason voting "no" rather than "absent with leave".*

*Pages 1761 and 1762, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".*

*Pages 1765 and 1766, roll call, by showing Representative Champion voting "no" rather than "absent with leave".*

*Page 1771, roll call, by showing Representative Carter voting "aye" rather than "absent with leave".*

*Pages 1772 and 1773, roll call, by showing Representatives Reinhart and Stokan voting "aye" rather than "absent with leave".*

*Page 1774, roll call, by showing Representatives Champion, DeMarce, Hosmer, Mays (50) and Naeger voting "aye" rather than "absent with leave".*

*Pages 1775 and 1776, roll call, by showing Representatives Champion, Gaston, Hosmer, Secrest and Stokan voting "aye" rather than "absent with leave".*

*Page 1779, roll call, by showing Representatives Akin, Bonner, Hartzler (124) and Kelley (47) voting "aye" rather than "absent with leave".*

*Pages 1795 and 1796, roll call, by showing Representative Davis (63) voting "aye" rather than "absent with leave".*

*Pages 1795 and 1796, roll call, by showing Representative Long voting "no" rather than "absent with leave".*

*Pages 1796 and 1797, roll call, by showing Representatives Broach, Davis (63), Kelley (47), Long, Nordwald and Stokan voting "aye" rather than "absent with leave".*

*Page 1797, roll call, by showing Representative Davis (63) voting "aye" rather than "absent with leave".*

*Pages 1799 and 1800, roll call, by showing Representative Summers voting "aye" rather than "absent with leave".*

*Pages 1801 and 1802, roll call, by showing Representative Bennett (15) voting "aye" rather than "absent with leave".*

*Pages 1802 and 1803, roll call, by showing Representative Kennedy voting "aye" rather than "absent with leave".*

*Pages 1803 and 1804, roll call, by showing Representative Hollingsworth voting "aye" rather than "absent with leave".*

*Pages 1804 and 1805, roll call, by showing Representatives Hollingsworth and Reinhart voting "aye" rather than "absent with leave".*

*Page 1806, roll call, by showing Representative Bennett (15) voting "aye" rather than "absent with leave".*

*Pages 1806 and 1807, roll call, by showing Representatives Barnett (4), Champion and Froelker voting "aye" rather than "absent with leave".*

***COMMITTEE MEETINGS***

*ACCOUNTS, OPERATIONS, AND FINANCE*

*Tuesday, May 13, 1997, 9:00 am. Hearing Room 7.*

*BUDGET*

*Tuesday, May 13, 1997, 8:30 am. Hearing Room 9. Executive session on previously heard bills.*

*To be considered - SB 72, SJR 6, SB 457*

***HOUSE CALENDAR***

*SEVENTY-FIRST DAY, TUESDAY, MAY 13, 1997*

***HOUSE BILLS FOR PERFECTION***

*1 HCS HB 595 - Koller*

*2 HB 57, as amended, HA 3, pending, - Shear*

*3 HB 267 - Overschmidt*

*4 HCS HB 724 - Riback Wilson*

*5 HB 108 - Scheve*

*6 HB 423, HCA 1 - Backer*

*7 HB 848 - DeMarce*

*8 HCS HB 511 - Graham (24)*

*9 HB 497, HCA 1 - Naeger*

*10 HB 106 - Bland*

*11 HB 753 - Broach*

*12 HB 47 - Bland*

***HOUSE BILLS FOR PERFECTION - INFORMAL***

*1 HB 570, as amended - Stoll*

*2 HCS HB 155, 81 & 171 - Farmer*

*3 HCS HB 426, 576 & 567 - Luetkenhaus*

*4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo*

*5 HCS HB 396 - Hosmer*

*6 HCS HB 748 & 605 - McLuckie*

*7 HCS HB 146 - Scheve*

*8 HCS HB 436 & 260 - Treadway*

*9 HS HCS HB 349, as amended, HS, adopted, pending - Koller*

*10 HCS HB 723, 789 & 372, as amended, - Dougherty*

***HOUSE BILLS FOR THIRD READING***

*HB 135, (Budget Fiscal 4-30-97) - Dougherty*

*HCS HB 582, (Budget Fiscal 4-30-97) - Schilling*

*HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long*

***HOUSE BILLS FOR THIRD READING - INFORMAL***

*HB 215 - Dougherty*

*HS HCS HB 282 - Kissell*

***SENATE BILLS FOR THIRD READING***

*1 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn*

*2 HS HCS SB 21, E.C. - Hoppe*

*3 HCS SS SB 361, as amended, E.C. - Dougherty*

*4 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty*

*5 SCS SB 49,213,130,32,235 & 221, HCAs 1, 2, 3, 4, (Budget Fiscal 5-5-97) - Crump*

*6 HCS SS SB 208, (Budget Fiscal 5-6-97) - Scheve*

*7 HCS SCS SB 79 - Thomason (163)*

*8 HCS SB 320 - McBride*

*9 HCS SCS SB 140, (Budget Fiscal 5-9-97) - Koller*

*10 SS SCS SB 274, HCA 1 - Crump*

*11 HCS SS SCS SB 386 & 372, E.C. - Smith*

*12 HCS SCS SB 457 & 458, (Budget Fiscal 5-12-97) - Clayton*

*13 SB 216, HCA 1 - Boatright*

*14 SCS SB 319, HCA 1 - Carter*

*15 HCS SS SCS SB 345 - Treadway*

*16 SB 171 - May (108)*

*17 SCS SB 258 & 228 - Rizzo*

*18 SB 187, HCAs 1 and 2 - Sallee*

*19 HCS SB 72, (Budget Fiscal 5-8-97) - Wiggins*

*20 SS SB 275 - O'Connor*

*21 HCS SS SCS SB 327, E.C. - Lakin/Richardson*

*22 HCS SS SB 466 - Shelton (57)*

*23 HCS SB 119 - Hosmer*

*24 HCS SCS SB 376, E.C. - Pryor*

*25 HCS SS SCS SB 168 - Stoll*

*26 SCS SB 105 - Hegeman*

*27 SB 108 - Broach*

*28 HCS SB 169, (Budget Fiscal 5-12-97) - May (108)*

*29 HCS SCS SB 251, (Budget Fiscal 5-12-97) - Hosmer*

*30 SCS SB 55 - Luetkenhaus*

*31 HCS SS SB 22 - Scheve*

***SENATE BILL FOR THIRD READING - INFORMAL***

*HCS SS SCS SB 165, as amended, - Rizzo*

***HOUSE BILL WITH SENATE AMENDMENTS***

*SCS HCS HB 276, as amended, - Davis (122)*

***BILLS CARRYING REQUEST MESSAGES***

*SB 262, HCA 1 (Req. House recede/pass bill) - Treadway*

*SCS HS HB 390, a.a.(Req. Sen.rec/grant House conf.) - Hoppe*

*SS HB 791, (Req. Sen. rec/grant House conf) - Stoll*

*SCS HS HCS HB 69 & 179 & HCS HB 669, a.a E.C.(Req. Sen. rec grant House/conf) - Hosmer*

***BILLS IN CONFERENCE***

*1 HCS#2 SB 161 - Kelly (27)*

*2 HCS SCS SB 316 - Hoppe*

*3 CCR HCS SB 387, E.C. - Smith*

*4 CCR HS HCS SCS SB 16, as amended - Backer*

*5 SS SCS HB 491, as amended, - Gaw*

*6 HS HCS SB 218 - Crump*

*7 SB 315, as amended, - Koller*

*8 SCS HB 394 - Loudon*

*9 SS SCS HS HCS HB 335, as amended, - Harlan*

*10 HCS HB 600 & 388 - Carter*

*11 HS HCS SCS SB 89, HAs 1, 2, 3 & 4, - Legan*

*12 HS HCS SS SB 121, as amended, - Williams (121)*

*13 CCR HCS SS SB 11, as amended, - Leake*

***SENATE CONCURRENT RESOLUTION***

*SCR 21, (4-10-97, pgs. 1033 & 1034) -*

***HOUSE RESOLUTIONS***

***HR 725, (4-30-95, pg. 1458) - Gratz***

***HR 621, HCA 1 (5-7-97) - Murray***

***HR 995, (5-6-97, pg. 1598) - Kennedy***

***HCS HR 548, (4-29-97, pgs 1409) - Dougherty***

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTY-FIRST DAY, Tuesday, May 13, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"He encouraged them in the service of the Lord." (2 Chr. 35:2)

This morning, the House honors some employees based on their years of service, in units of five ranging from 5 to 20 years as we come to the last week of this session.

We take the opportunity at this time to give thanks, Eternal God, for the willingness to serve, the extra mile devotion to duty which keeps so many in the service of this House. We give thanks to all who offer themselves in public service to the State, local and federal governments. This building is like a busy town during the session and we pause to acknowledge the contributions of those who keep it running smoothly. We know that our sins and failures here, real or imagined, are reported and believed by the public too easily but we affirm today those who are generous, honest, hard-working and whose motives are the highest, people who are here because they believe that they make a difference no matter how unnoticed or humble. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Miller, Douglas Witt, Mary Lara Guariglia, Jessica Chalk, Kresha Scott, Jeremy Tyes, Mario Herrera, O.E. Burke, Curtis Bozif, Louis Brock, Michael Cusick, Steven Kaufmann, Brian Kennedy, Christopher Lee Alexander, Bryan Condon, Andy Heitz, Alailna Baker, Kristen Otten and Andrew Painter.

The Journal of the seventieth day was approved as corrected.

AYES: 147

Akin Alter Auer Backer Ballard

Barnett Barry (100) Bartlesmeyer Bauer Berkstroesser

Boatright Bonner Boucher Bray (84) Broach

Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniels (41) Davis (122) Davis (63) Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Graham (106) Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Harlan Hartzler (123)
Hartzler (124) Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Howerton
Johnson Kasten Kauffman Kelley (47) Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe
Marble May (108) Mays (50) McBride McClelland
Merideth Miller Monaco Murray Naeger
Nordwald O'Toole Ostmann Overschmidt Parker
Patek Pouche Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Shelton (57) Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason (163) Townley Troupe Van Zandt
Vogel Wiggins Williams (121) Williams (159) Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 003

Goward Murphy Pryor

ABSENT WITH LEAVE: 013

Bennett Bland Daniel (42) Graham (24) Hand
Hosmer Kelly (27) McLuckie O'Connor Sheldon (104)
Thompson (37) Treadway Wannenmacher

**RESOLUTIONS**

Representative Treadway offered House Resolution No. 1236, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Secrest offered House Resolution No. 1237, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Heckemeyer offered House Resolution Nos. 1238 through 1243, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaskill offered House Resolution No. 1244, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Davis (122) offered House Resolution No. 1245, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **SCS SBs 49, 213, 130, 32, 235** and **221 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SB 72 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SCS SB 140 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SS SB 208 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **CCS HB 8, CCS HB 11, HB 16, SCS HCS HB 18, HB 19, HB 304, SCS HCS HB 331** and **CCS SCS HB 655**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SS SCS SB 168** - Budget (Fiscal Note)

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 29**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HJR 2**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HJR 18**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1** to **SB 449** and has taken up and passed **SB 449 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SB 11 as amended**, and has taken up and passed **CCS HCS SS SB 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **SCS HS HCS HBs 69 & 179** and **HCS HB 669 as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SB 315 as amended**, and has taken up and passed **CCS SB 315**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HB 390 as amended** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Quick, McKenna, Scott, Westfall and Graves.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 316**, and has taken up and passed **CCS HCS SCS SB 316**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 697**, entitled:

An act to repeal section 43.265, RSMo Supp. 1996, relating to the highway patrol's funds, and to enact in lieu thereof two new sections relating to the same subject.

With Senate Committee Amendment No. 1

*Senate Committee Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 697, Page 2, Section 43.265, Line 16, by striking the words "for no other purpose" and inserting in lieu thereof the words "**operational costs**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SB 141 as amended** , and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 301**, entitled:

An act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section relating to the same subject.

With Senate Amendment No. 1

*Senate Amendment No. 1*

AMEND House Bill No. 301, Page 3, Section 143.183, Line 68, by deleting said line and add in lieu thereof the following:

"**public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such**"

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HS HCS HBs 69 & 179** and **HCS HB 669 as amended**: Senators Schneider, Goode, Caskey, Ehlmann and Klarich.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 27**.

**SIGNING OF HOUSE BILL**

Having been duly signed in open session of the Senate, **HB 713** was delivered to the Governor by the Chief Clerk of the House.

**HOUSE RESOLUTIONS**

**HR 995**, relating to hepatitis awareness month, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HR 995** was adopted.

**HR 725**, relating to use of chamber, was taken up by Representative Gratz.

On motion of Representative Gratz, **HR 725** was adopted.

**HR 621, with House Committee Amendment No. 1**, relating to strawberry workers, was taken up by Representative Murray.

On motion of Representative Hohulin, House Committee Amendment No. 1 was adopted.

Representative Hohulin offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Resolution No. 621, Page 1, by adding after the last paragraph starting with "Whereas",

"Whereas Monsanto and Garguilo are publicly held companies and are not a government agency and put up their own money to operate their business. The General Assembly should allow them to run their own business with no interference from same."

Representative Hohulin moved that House Amendment No. 1 be adopted.

Which motion was defeated.

On motion of Representative Murray, **HR 621, as amended**, was adopted by the following vote:

AYES: 82

Auer Backer Barry (100) Bauer Bonner

Boucher Bray (84) Campbell Carter Clayton

Copeland Crump Daniel (42) Daniels (41) Davis (122)

Davis (63) Days DeMarce Donovan Dougherty

Edwards-Pavia Farnen Fitzwater Foley Ford

Franklin Graham (24) Green Gross Gunn

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Liese Luetkenhaus Lumpe May (108) Mays (50)

McBride McLuckie Monaco Murphy Murray

O'Connor O'Toole Overschmidt Parker Ransdall

Relford Reynolds Rizzo Scheve Schilling

Seigfreid Shear Sheldon (104) Shelton (57) Skaggs

Smith Stokan Stoll Stroker Treadway

Troupe Van Zandt Wiggins Williams (121) Williams (159)

Wilson Mr. Speaker

NOES: 073

Akin Alter Ballard Barnett Bartelsmeyer

Bennett Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Cooper Crawford

Dolan Elliott Enz Evans Foster

Fritts Froelker Gaskill Gaston Gibbons

Graham (106) Griesheimer Hall Hartzler (123) Hartzler (124)

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kauffman Kelley (47) Legan Levin

Linton Lograsso Long Loudon Marble

McClelland Merideth Miller Naeger Nordwald

Ostmann Patek Pouche Pryor Purgason

Reinhart Richardson Ridgeway Robirds Ross

Sallee Schwab Scott Secrest Shields

Steen Summers Surface Thomason (163) Townley

Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Bland Farmer Goward Gratz Hand

Kelly (27) Tate Thompson (37)

Representative Naeger requested a verification of the roll.

The Chair ruled the request for a verification of the roll untimely.

Speaker Gaw assumed the Chair.

**HCS HR 548**, relating to Missouri's divorce laws, was taken up by Representative Dougherty.

Representative Ridgeway offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for House Resolution No. 548, Page 1, by deleting paragraphs 9 and 10, and inserting in lieu thereof the following:

Now, therefore, be it resolved that the Speaker of the House shall appoint an interim committee, made up of seven members of the House of Representatives and two public members. The House of Representative members shall be as follows: at least two members shall be attorneys that practice family law; and at least one additional member shall be a member of the House Judiciary Committee; and at least one additional member shall be a member of the House Civil and Administrative Law Committee. The committee shall also have two public members, at least one being a family court commissioner or Associate Circuit Court Judge whose primary responsibility is family law.

The committee shall review Missouri's dissolution of marriage laws as they pertain to child 1) custody, 2) visitation, and 3) support enforcement.

Be it further resolved that this committee's mission shall be the welfare of the children and maintenance of their standard of living as near as possible to that enjoyed by the children prior to dissolution of the marriage.

Representative Holand offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Committee Substitute for House Resolution No. 548, by adding after "family law.": At least one of the members of the interim committee shall have personal experience with divorce and its effect on their children.

**HCS HR 548, as amended, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, pending**, was laid over.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HCS HB 620, with Senate Substitute Amendment No. 1 for Senate Amendment No. 2 and Senate Amendment No. 3**, relating to telecommunications, was taken up by Representative Mays (50).

On motion of Representative Mays (50), the House concurred in Senate Substitute Amendment No. 1 for Senate Amendment No. 2 and Senate Amendment No. 3 by the following vote:

**AYES: 145**

**Akin Alter Auer Backer Ballard**

**Barnett Barry (100) Bartelsmeyer Bauer Berkstresser**

Boatright Boucher Bray (84) Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniels (41) Davis (122) Davis (63) Days DeMarce
Dolan Donovan Dougherty Edwards-Pavia Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Graham (106)
Graham (24) Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Hartzler (123) Hartzler (124)
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Howerton Johnson
Kasten Kauffman Kelley (47) Kelly (27) Kennedy
Kissell Lakin Lawson Leake Levin
Liese Linton Lograsso Long Loudon
Luetkenhaus Marble May (108) Mays (50) McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schwab
Scott Secrest Seigfreid Shear Sheldon (104)
Shelton (57) Shields Skaggs Smith Steen
Stokan Stoll Summers Surface Tate
Thomason (163) Townley Treadway Troupe Van Zandt
Vogel Wannenmacher Williams (121) Williams (159) Mr. Speaker

NOES: 007

Hosmer Legan Schilling Stroker Wiggins
Wilson Wooten

PRESENT: 0

ABSENT WITH LEAVE: 011

Bennett Bland Bonner Daniel (42) Goward
Hand Harlan Koller Kreider Lumpe
Thompson (37)

**On motion of Representative Mays (50), HCS HB 620, as amended, was truly agreed to and finally passed by the following vote:**

**AYES: 136**

**Akin Alter Auer Backer Ballard**

**Barnett Barry (100) Bartlelsmeyer Bauer Berkstresser**

**Boatright Bonner Boucher Broach Burton**

**Campbell Carter Champion Chrismer Cierpiot**

**Clayton Cooper Copeland Crawford Daniels (41)**

**Davis (122) Davis (63) Days DeMarce Donovan**

**Dougherty Edwards-Pavia Elliott Enz Evans**

**Farmer Farnen Fitzwater Foley Ford**

**Foster Franklin Fritts Froelker Gaskill**

**Gaston Graham (106) Graham (24) Gratz Green**

**Griesheimer Gross Gunn Hagan-Harrell Hall**

**Hartzler (123) Hartzler (124) Heckemeyer Hegeman Hendrickson**

**Hickey Hohulin Holand Hollingsworth Hoppe**

**Howerton Johnson Kasten Kauffman Kelly (27)**

**Kennedy Lakin Lawson Leake Levin**

**Liese Lograsso Long Loudon Marble**

**May (108) Mays (50) McBride McClelland McLuckie**

**Merideth Miller Monaco Murray Naeger**

**Nordwald O'Connor O'Toole Ostmann Overschmidt**

**Parker Patek Pouche Pryor Purgason**

**Ransdall Reinhart Relford Reynolds Richardson**

**Ridgeway Rizzo Robirds Ross Sallee**

**Scheve Schwab Scott Secrest Seigfreid**

**Sheldon (104) Shelton (57) Shields Skaggs Smith**

**Steen Stokan Stoll Summers Surface**

**Tate Thomason (163) Townley Treadway Troupe**

**Van Zandt Vogel Wannenmacher Williams (121) Williams (159)**

**Mr. Speaker**

**NOES: 009**

**Hosmer Legan Murphy Schilling Shear**

**Stroker Wiggins Wilson Wooten**

**PRESENT: 001**

**Kissell**

**ABSENT WITH LEAVE: 017**

**Bennett Bland Bray (84) Crump Daniel (42)**

**Dolan Gibbons Goward Hand Harlan**

**Kelley (47) Koller Kreider Linton Luetkenhaus**

**Lumpe Thompson (37)**

**Speaker Gaw declared the bill passed.**

**On motion of Representative Auer, title to the bill was agreed to.**

**Representative Barry moved that the vote by which the bill passed be reconsidered.**

**Representative Bauer moved that motion lay on the table.**

**The latter motion prevailed.**

**SCS HCS HB 276, as amended, relating to amusement ride safety, was taken up by Representative Davis (122).**

**Representative Davis (122) moved that the House refuse to adopt SCS HCS HB 276, as amended, and request the Senate to recede from its position or, failing to do so, grant the House a conference and the conferees be allowed to exceed the differences on Section 2, Paragraph 9.**

**Which motion was adopted.**

**HB 301, with Senate Amendment No. 1, relating to state income tax, was taken up by Representative Lumpe.**

**On motion of Representative Lumpe, the House concurred in Senate Amendment No. 1 by the following vote:**

**AYES: 144**

**Akin Alter Auer Backer Ballard**

**Barnett Barry (100) Bartelsmeyer Bauer Berkstresser**

**Boatright Bonner Boucher Bray (84) Broach**

**Burton Campbell Carter Champion Chrismer**

**Cierpiot Clayton Copeland Crawford Crump**

**Davis (122) Davis (63) Days DeMarce Dolan**

**Donovan Dougherty Edwards-Pavia Elliott Evans**

**Farmer Farnen Fitzwater Foley Ford**

**Foster Franklin Fritts Froelker Gaskill**

**Gaston Gibbons Graham (106) Graham (24) Gratz**

**Griesheimer Gross Gunn Hagan-Harrell Harlan**

**Hartzler (123) Hartzler (124) Heckemeyer Hegeman Hickey**

**Holand Hollingsworth Hoppe Hosmer Howerton**

**Johnson Kasten Kauffman Kelley (47) Kelly (27)**

Kennedy Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Luetkenhaus Lumpe Marble May (108) Mays (50)

McBride McClelland McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon (104)

Shelton (57) Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason (163) Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams (121)

Williams (159) Wilson Wooten Mr. Speaker

NOES: 005

Enz Hendrickson Hohulin Loudon Murphy

PRESENT: 000

ABSENT WITH LEAVE: 014

Bennett Bland Cooper Daniel (42) Daniels (41)

Goward Green Hall Hand Kissell

Koller Kreider Ross Thompson (37)

On motion of Representative Lumpe, HB 301, as amended, was truly agreed to and finally passed by the following vote:

AYES: 138

Akin Alter Auer Backer Ballard

Barry (100) Bauer Berkstresser Bonner Bray (84)

Broach Burton Campbell Champion Chrismer

Cierpiot Clayton Copeland Crawford Crump

Daniels (41) Davis (122) Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Evans

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gibbons Graham (106) Graham (24) Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler (123) Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelly (27) Kennedy

Kissell Kreider Lakin Lawson Leake

Legan Levin Liese Lograsso Long

Luetkenhaus Lumpe Marble May (108) Mays (50)

McBride McClelland McLuckie Merideth Miller

Monaco Murray Naeger Nordwald O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon (104)

Shelton (57) Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason (163) Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams (121) Williams (159)

Wilson Wooten Mr. Speaker

NOES: 010

Barnett Boatright Enz Gaston Hartzler (124)

Hohulin Linton Loudon Murphy Townley

PRESENT: 000

ABSENT WITH LEAVE: 015

Bartelsmeyer Bennett Bland Boucher Carter

Cooper Daniel (42) Davis (63) Goward Gratz

Hand Kelley (47) Koller Lakin Leake

O'Connor Thompson (37)

Speaker Gaw declared the bill passed.

On motion of Representative Parker, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Relford moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 697, with Senate Committee Amendment No. 1, relating to criminal justice, was taken up by Representative Relford.**

**On motion of Representative Relford, the House concurred in Senate Committee Amendment No. 1 by the following vote:**

**AYES: 139**

**Akin Alter Auer Backer Ballard**

**Barnett Barry (100) Bauer Berkstresser Bland**

**Boatright Bonner Bray (84) Broach Burton**

**Campbell Carter Champion Chrismer Cierpiot**

**Clayton Copeland Crawford Crump Daniel (42)**

**Davis (122) Days DeMarce Dolan Donovan**

**Dougherty Edwards-Pavia Elliott Enz Evans**

**Farmer Farnen Fitzwater Foley Ford**

**Foster Franklin Fritts Gaskill Gaston**

**Gibbons Graham (106) Graham (24) Green Griesheimer**

**Gunn Hagan-Harrell Harlan Hartzler (123) Hartzler (124)**

**Heckemeyer Hegeman Hendrickson Hickey Holand**

**Hollingsworth Hoppe Hosmer Howerton Johnson**

**Kasten Kauffman Kelley (47) Kennedy Kissell**

**Kreider Lakin Lawson Leake Levin**

**Liese Linton Long Loudon Lumpe**

**May (108) Mays (50) McBride McClelland McLuckie**

**Merideth Miller Monaco Murray Naeger**

**Nordwald O'Toole Ostmann Overschmidt Parker**

**Patek Pouche Pryor Purgason Ransdall**

**Reinhart Relford Reynolds Richardson Ridgeway**

**Rizzo Robirds Ross Scheve Schilling**

**Schwab Scott Secrest Seigfreid Shear**

**Sheldon (104) Shelton (57) Shields Skaggs Smith**

**Steen Stokan Stoll Stroker Summers**

**Surface Tate Thomason (163) Townley Treadway**

**Troupe Van Zandt Vogel Wannenmacher Wiggins**

**Williams (159) Wilson Wooten Mr. Speaker**

**NOES: 005**

**Froelker Gross Hall Hohulin Murphy**

**PRESENT: 000**

**ABSENT WITH LEAVE: 019**

**Bartelsmeyer Bennett Boucher Cooper Daniels (41)**

**Davis (63) Goward Gratz Hand Kelly (27)**

**Koller Legan Lograsso Luetkenhaus Marble**

**O'Connor Sallee Thompson (37) Williams (121)**

**On motion of Representative Relford, HCS HB 697, as amended, was truly agreed to and finally passed by the following vote:**

**AYES: 144**

**Akin Alter Auer Backer Ballard**

**Barnett Barry (100) Berkstresser Bland Boatright**

**Bonner Boucher Bray (84) Broach Burton**

**Campbell Carter Champion Chrismer Clayton**

**Cooper Copeland Crawford Crump Daniel (42)**

**Davis (122) Days DeMarce Dolan Donovan**

**Dougherty Edwards-Pavia Elliott Enz Evans**

**Farmer Farnen Fitzwater Foley Ford**

**Foster Franklin Fritts Froelker Gaskill**

**Gaston Gibbons Graham (106) Graham (24) Green**

**Griesheimer Gunn Hagan-Harrell Hall Harlan**

**Hartzler (123) Hartzler (124) Heckemeyer Hegeman Hendrickson**

**Hickey Holand Hollingsworth Hoppe Hosmer**

**Howerton Johnson Kasten Kauffman Kelley (47)**

**Kennedy Kissell Kreider Lakin Lawson**

**Leake Levin Liese Linton Lograsso**

**Long Loudon Lumpe Marble May (108)**

**Mays (50) McBride McClelland McLuckie Merideth**

**Miller Monaco Murray Naeger Nordwald**

**O'Toole Ostmann Overschmidt Parker Patek**

**Pouche Pryor Purgason Ransdall Reinhart**

**Relford Reynolds Richardson Ridgeway Rizzo**

**Robirds Ross Scheve Schilling Schwab**

**Scott Secrest Seigfreid Shear Sheldon (104)**

**Shelton (57) Shields Skaggs Smith Steen**

**Stokan Stoll Stroker Summers Surface**

**Tate Thomason (163) Thompson (37) Townley Treadway**

**Troupe Van Zandt Vogel Wannenmacher Wiggins**

**Williams (159) Wilson Wooten Mr. Speaker**

NOES: 3

Gross Hohulin Murphy

PRESENT: 0

ABSENT WITH LEAVE: 16

Bartlesmeyer Bauer Bennett Cierpiot Daniels (41)

Davis (63) Goward Gratz Hand Kelly (27)

Koller Legan Luetkenhaus O'Connor Sallee

Williams (121)

Speaker Gaw declared the bill passed.

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Hickey moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

CONFERENCE COMMITTEE REPORT

ON

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 316

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 316, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 316;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 316;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 316 be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Don Lograsso /s/ Bill Kenney

/s/ Thomas Hoppe /s/ Ronnie DePasco

/s/ David Reynolds /s/ Harry Wiggins

/s/ Bill Luetkenhaus /s/ James Mathewson

/s/ Carson Ross /s/ Sam Graves

CONFERENCE COMMITTEE REPORT

ON

SENATE BILL NO. 315

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Bill No. 315, with House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Committee Amendment No. 2, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Amendment No. 1, House Substitute Amendment No. 1 for House Committee Amendment No. 2, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6;

2. That the Senate recede from its position on Senate Bill No. 315 as perfected;

3. That the attached Conference Committee Substitute for Senate Bill No. 315 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Don Koller /s/ Danny Staples

/s/ Richard Franklin /s/ Mike Lybyer

/s/ Steve Stoll /s/ Harold Caskey

Vicky Hartzler /s/ Sam Graves

Charlie Shields /s/ Anita Yeckel

On motion of Representative Backer, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

RESOLUTIONS

Representative Williams (121) offered House Resolution No. 1246, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Elliott offered House Resolution No. 1247, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Skaggs offered House Resolution No. 1248, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Bennett offered House Resolution No. 1249, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McLuckie offered House Resolution No. 1250, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**Representative Wannenmacher offered House Resolution No. 1251, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Green offered House Resolution No. 1252, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Schilling offered House Resolution No. 1253, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Boucher offered House Resolution No. 1254, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Liese offered House Resolution No. 1255, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Foley offered House Resolution No. 1256, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Linton offered House Resolution No. 1257, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Rizzo offered House Resolution No. 1258, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Murray offered House Resolution No. 1259, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Riback Wilson offered House Resolution No. 1260, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Edwards-Pavia offered House Resolution No. 1261, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Clayton offered House Resolution No. 1262, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Graham (24) offered House Resolution No. 1263, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative May (108) offered House Resolution No. 1264, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Richardson offered House Resolution No. 1265, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Williams (159) offered House Resolution No. 1266, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Howerton offered House Resolution No. 1267, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Luetkenhaus offered House Resolution No. 1268, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Monaco offered House Resolution No. 1269, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Akin offered House Resolution No. 1270, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Sallee offered House Resolution No. 1271, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Lumpe offered House Resolution No. 1272, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Lograsso offered House Resolution No. 1273, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative May (108) offered House Resolution No. 1274, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Williams (121) offered House Resolution No. 1275, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Graham (106) offered House Resolution No. 1276, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Barry offered House Resolution No. 1277, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Richardson offered House Resolution No. 1278, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Riback Wilson offered House Resolution No. 1279, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Gibbons offered House Resolution No. 1280, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Bland offered House Resolution No. 1281, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Lawson offered House Resolution No. 1282, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Chrismer offered House Resolution No. 1283, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Summers offered House Resolution No. 1284, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Kelly (27) offered House Resolution No. 1285, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Scott offered House Resolution No. 1286, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Backer offered House Resolution No. 1287, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Backer offered House Resolution No. 1288, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Liese offered House Resolution No. 1289, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Gaw offered House Resolution No. 1290, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Legan offered House Resolution No. 1291, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Enz offered House Resolution No. 1292, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Secrest offered House Resolution No. 1293, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Marble offered House Resolution No. 1294, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative McClelland offered House Resolution No. 1295, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Wiggins offered House Resolution No. 1296, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Relford offered House Resolution No. 1297, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Naeger offered House Resolution No. 1298, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Stoll offered House Resolution No. 1299, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Lograsso offered House Resolution No. 1300, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Ross offered House Resolution No. 1301, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Smith offered House Resolution No. 1302, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Bennett offered House Resolution No. 1303, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Dolan offered House Resolution No. 1304, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Richardson offered House Resolution No. 1305, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Shear offered House Resolution No. 1306, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Gunn offered House Resolution No. 1307, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Goward offered House Resolution No. 1308, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Gratz offered House Resolution No. 1309, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Auer offered House Resolution No. 1310, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Levin offered House Resolution No. 1311, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Backer offered House Resolution No. 1312, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Days offered House Resolution No. 1313, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Carter offered House Resolution No. 1314, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Troupe offered House Resolution No. 1315, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Champion offered House Resolution No. 1316, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Ostmann offered House Resolution No. 1317, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Hickey offered House Resolution No. 1318, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Bray offered House Resolution No. 1319, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Hosmer offered House Resolution No. 1320, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Harlan offered House Resolution No. 1321, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Mays (50) offered House Resolution No. 1322, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Scheve offered House Resolution No. 1323, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Ford offered House Resolution No. 1324, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Hartzler (124) offered House Resolution No. 1325, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Lakin offered House Resolution No. 1326, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Shields offered House Resolution No. 1327, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Cooper offered House Resolution No. 1328, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Crump offered House Resolution No. 1329, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Schwab offered House Resolution No. 1330, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Griesheimer offered House Resolution No. 1331, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Kreider offered House Resolution No. 1332, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Kelly (47) offered House Resolution Nos. 1333 and 1334, which were referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Stoll offered House Resolution No. 1335, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Davis (63) offered House Resolution No. 1336, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Heckemeyer offered House Resolution No. 1337, which was referred to the Committee on Miscellaneous Bills and Resolutions.**

**Representative Crump suggested the absence of a quorum.**

**The following roll call indicated a quorum present:**

**AYES: 001**

**Patek**

**NOES: 000**

**PRESENT: 147**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bland**

**Boatright Bonner Boucher Broach Burton**

**Campbell Carter Champion Chrismer Cierpiot**

**Clayton Cooper Copeland Crawford Crump**

**Daniel 42 Daniels 41 Davis 63 Davis 122 Days**

**DeMarce Dolan Donovan Dougherty Edwards-Pavia**

**Elliott Enz Evans Farmer Farnen**

**Fitzwater Foley Ford Foster Franklin**

**Fritts Gaskill Gaston Goward Graham 24**

**Graham 106 Gratz Green Griesheimer Gunn**

**Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer**

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Stokan Stoll Stroker Summers Surface

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 015

Bennett 15 Berkstresser Bray 84 Froelker Gibbons

Gross Hand Harlan Kelly 27 Ridgeway

Robirds Steen Tate Thompson 37 Williams 159

SENATE BILL FOR THIRD READING

SCS SBs 49, 213, 130, 32, 235 and 221 with House Committee Amendments Nos. 1, 2, 3 and 4, relating to criminal procedure, was taken up by Representative Crump.

Representative Crump offered HS SCS SBs 49, 213, 130, 32, 235 and 221.

Representative Thomason (163) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 45, Line 4, by inserting after all of said line the following:

"34.140. 1. The commissioner of administration may require an inventory to be made when necessary of all removable equipment owned by the state.

2. The commissioner of administration shall have the power to transfer supplies from any department where they are not needed to any other department where they are needed and to direct that proper charges and credits be made on the inventories of the departments concerned.

**3. The commissioner of administration may distribute surplus or unneeded supplies or property to eligible donees, as that term is defined in connection with the federal surplus property program, in the same manner as provided for the distribution of federal surplus property.**

**4. The commissioner of administration may sell surplus or unneeded supplies or property which are not transferred to state agencies or distributed to eligible donees to the general public by auction, sealed bid.**

**5. A [member] uniformed employee of the Missouri state highway patrol, with the approval of the superintendent, may purchase upon retirement, by reason of length of service or disability or by the member's next of kin in case of death, the service pistol, off-duty sidearm and badge carried by such member immediately prior to retirement. The purchase price for the service pistol, off-duty sidearm and badge shall be equal to the replacement cost thereof."; and**

**Further amend said bill, by amending the title and enacting clause accordingly.**

**On motion of Representative Thomason (163), House Amendment No. 1 was adopted.**

**Representative Relford offered House Amendment No. 2.**

***House Amendment No. 2***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 1, In the Title, Line 4, by deleting the number "43.265,"; and**

**Further amend said bill, Page 1, In the Title, Line 7, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen"; and**

**Further amend said bill, Page 1, Section A, Line 13, by deleting the number "43.265,"; and**

**Further amend said bill, Page 1, Section A, Line 14, by deleting the word "eighteen" and inserting in lieu thereof the word "sixteen"; and**

**Further amend said bill, Page 1, Section A, Line 15, by deleting the number "43.265,"; and**

**Further amend said bill, Page 1, Section A, Line 18, by deleting "590.105 and 1" and inserting in lieu thereof the following: "and 590.105"; and**

**Further amend said bill, Pages 1 to 3, Section 43.265, by deleting all of said section; and**

**Further amend said bill, Pages 43 to 44, Section 1, by deleting all of said section.**

**On motion of Representative Relford, House Amendment No. 2 was adopted.**

**Representative Marble offered House Amendment No. 3.**

***House Amendment No. 3***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 and 221, Page 36, Section 577.068, Lines 1 through 26, by deleting all of said lines and inserting in lieu thereof the following:**

**"577.068. 1. No person shall knowingly leave the scene where a serious physical injury as defined in section 565.002, RSMo, or death has occurred due to an accident or the negligence of that person, without giving such person's name, address and driver's license number, if applicable, to a law enforcement officer or emergency medical personnel. If no such officer or emergency medical personnel are in the vicinity, the person shall provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if the person leaves the scene in order to obtain medical assistance or contact law enforcement**

**authorities to notify them of the accident, or the victim requests that no assistance be given.**

**2. All peace officers and reserve peace officers certified under the provisions of chapter 590, RSMo, shall have authority to investigate serious physical injury as defined in section 565.002, RSMo, or death, which has occurred due to an accident or negligence of a person, and arrest a person who violates subsection 1 of this section, except that authorized agents of the commission as defined in section 252.020, RSMo, may enforce such provisions related to hunting accidents. For the purpose of this section, a hunting accident shall be defined as any accident in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon and does not occur within a residential area.**

**3. Leaving the scene where a serious physical injury as defined in section 565.002, RSMo, or death, has occurred due to an accident or negligence of a person, is a class D felony.".**

**On motion of Representative Marble, House Amendment No. 3 was adopted.**

**Representative Kissell offered House Amendment No. 4.**

***House Amendment No. 4***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 13, section 571.030, Line 20, by inserting immediately after the word "judge" on said line the following "or municipal court judge"; and**

**further amend said section, page 14, line 2, by inserting immediately after the word "attorney" on said line the following "or any active or former assistant prosecuting attorney or assistant circuit attorney".**

**On motion of Representative Kissell, House Amendment No. 4 was adopted.**

**Representative May (108) offered House Amendment No. 5.**

***House Amendment No. 5***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 23, Section 571.091, by deleting said section; and**

**Further amend said bill, Section 571.094, Page 31, by deleting said section; and**

**Further amend the title and enacting clause accordingly.**

**Representative May (108) moved that House Amendment No. 5 be adopted.**

**Which motion was defeated.**

**Representative Crump offered House Amendment No. 6.**

***House Amendment No. 6***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 11, Section 571.030, Line 3 of said page, by deleting the words ", with or without a permit,"; and**

**Further amend said bill, Page 11, Section 571.030, Line 4 of said page, by deleting the words "consuming alcohol or while"; and**

**Further amend said bill, Page 12, Section 571.030, Line 9 of said page, by deleting the word "state." and**

**inserting in lieu thereof the following: "state; or**

**(12) Carries on his or her person a concealable weapon while consuming alcohol or while intoxicated.".**

**On motion of Representative Crump, House Amendment No. 6 was adopted.**

**Representative Shelton (57) offered House Amendment No. 7.**

***House Amendment No. 7***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 23, Section 571.091, Line 6 of said page, by deleting the words "or city not within a county" and inserting in lieu thereof the following: ", except in any city with a population of four hundred thousand or more inhabitants or a city not within a county,"; and**

**Further amend said bill, Page 31, Section 571.094, Line 14 of said page, by inserting immediately after the number "571.094." the number "1."; and**

**Further amend said bill, Page 32, Section 571.094, Line 2 of said page, by inserting after all of said line the following:**

**"2. No person with a permit shall carry a concealed weapon within the boundaries of any city with a population of four hundred thousand or more inhabitants or a city not within a county.".**

**Representative Stokan offered House Substitute Amendment No. 1 for House Amendment No. 7.**

***House Substitute Amendment No. 1***

***for***

***House Amendment No. 7***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 23, Section 571.091, Line 6 of said page, by deleting the words "or city not within a county" and inserting in lieu thereof the following: ", except in any city with a population of four hundred thousand or more inhabitants or a city not within a county, or a county of the first classification bordering a city located not within a county."; and**

**Further amend said bill, Page 31, Section 571.094, Line 14 of said page, by inserting immediately after the number "571.094." the number "1."; and**

**Further amend said bill, Page 32, Section 571.094, Line 2 of said page, by inserting after all of said line the following:**

**"2. No person with a permit shall carry a concealed weapon within the boundaries of any city with a population of four hundred thousand or more inhabitants or a city not within a county, or a county of the first classification bordering a city located not within a county.".**

**Representative Stokan moved that House Substitute Amendment No. 1 for House Amendment No. 7 be adopted.**

**Which motion was defeated.**

**Representative Shelton (57) moved that House Amendment No. 7 be adopted.**

**Which motion was defeated.**

**Representative Gratz offered House Amendment No. 8.**

***House Amendment No. 8***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Pages 37 and 38, Section 578.450, Lines 13-15, by deleting all of said lines.**

**On motion of Representative Gratz, House Amendment No. 8 was adopted.**

**Representative Smith offered House Amendment No. 9.**

**Representative Wannenmacher raised a point of order that House Amendment No. 9 is not germane to the bill.**

**The Chair ruled the point of order well taken.**

**Representative Hosmer offered House Amendment No. 9.**

**Representative Kissell raised a point of order that House Amendment No. 9 is amending previously amended material.**

**The Chair ruled the point of order not well taken.**

**House Amendment No. 9 was withdrawn.**

**Representative Bland offered House Amendment No. 9.**

***House Amendment No. 9***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 44, Section 1, Line 11, by inserting immediately after said line the following:**

**"Section 2. Any person acting as a bounty hunter must be registered with the county sheriff in which said bounty hunter resides. This section shall not apply to persons which own licensed bail bond agencies and act as bounty hunters. Registration process would include but, is not limited to:**

**Name**

**Address**

**Phone**

**Employment /Position**

**Background Check for criminal or civil disorder records**

**Agency/Agencies employed by**

**Registration fees to cover cost of process of registration**

**Fees cannot exceed $100.00 annually."**

**On motion of Representative Bland, House Amendment No. 9 was adopted.**

**Representative Hagan-Harrell offered House Amendment No. 10.**

***House Amendment No. 10***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 24, Section 571.091, Line 19, by deleting the following on said line "twenty-four" and inserting in lieu thereof the following "sixty".**

**Representative Hagan-Harrell moved that House Amendment No. 10 be adopted.**

**Which motion was defeated.**

**Representative McClelland offered House Amendment No. 11.**

***House Amendment No. 11***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 28, Section 571.091, Line 3, by deleting all of said line and inserting in lieu thereof the following:**

**"pay a fee of fifty dollars, thirty dollars of said fee to be paid to the Youth Opportunities and Violence Prevention Fund and twenty dollars to be paid to the treasury".**

**Representative McClelland moved that House Amendment No. 11 be adopted.**

**Which motion was defeated.**

**Representative Gross offered House Amendment No. 12.**

***House Amendment No. 12***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 18, Section 571.090, Line 19, by deleting the words "social security number" and insert in lieu thereof the following: "drivers license number"; and**

**Further amend said bill, Page 25, Section 571.091, Line 10, by deleting said line and inserting in lieu thereof the following: "the name, drivers license number, occupation, date of birth"**

**On motion of Representative Gross, House Amendment No. 12 was adopted.**

**Representative Holand offered House Amendment No. 13.**

**House Amendment No. 13 was withdrawn.**

**Representative Holand offered House Amendment No. 13.**

***House Amendment No. 13***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, Page 31, Section 16, Line 11, by inserting after the word "day," into the buildings of a health care facility as defined in chapter 197. or 198.,"**

**On motion of Representative Holand, House Amendment No. 13 was adopted.**

**Representative Boucher offered House Amendment No. 14.**

***House Amendment No. 14***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 and 221, Page 12, Section 571.030, Line 9, by inserting immediately after said line the following: "(12) unless such firearm is loaded with rubber bullets."**

**Representative Boucher moved that House Amendment No. 14 be adopted.**

**Which motion was defeated.**

**Representative Dougherty offered House Amendment No. 15.**

**Representative Ballard raised a point of order that House Amendment No. 15 goes beyond the scope of the bill.**

**The Chair ruled the point of order well taken.**

**Representative Hosmer offered House Amendment No. 15.**

***House Amendment No. 15***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 and 221, Page 13, Section 571.030, Line 4, by deleting lines 4 through 8; and**

**Further amend said bill, Page 16, Line 4, by adding the following:**

**8. Subdivision (1) and (8) of subsection 1 of this section shall not apply to or affect any person vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary, and subdivision (3), (4), (6), (7) and (9) shall not apply to or affect the above if the person was acting in self defense, or the defense of another.; and**

**Further amend the enacting clause and title accordingly.**

**On motion of Representative Hosmer, House Amendment No. 15 was adopted.**

**Representative Hartzler (124) offered House Amendment No. 16.**

**Representative Crump raised a point of order that House Amendment No. 16 is not germane to the bill.**

**The Chair ruled the point of order well taken.**

**Representative Graham (24) offered House Amendment No. 16.**

***House Amendment No. 16***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 and 221, Page 12, Section 571.030, Line 9, by inserting immediately after said line the following:**

**"(12) Carries a concealed firearm into a United States Post Office."**

**On motion of Representative Graham (24), House Amendment No. 16 was adopted.**

**Representative Green offered House Amendment No. 17.**

***House Amendment No. 17***

**AMEND House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 and 221, Page 1, In the Title, Line 7, by deleting the word "eighteen" and inserting in lieu thereof the word "nineteen"; and**

**further amend Page 1, Section A, line 14, by deleting the word "eighteen" and inserting in lieu thereof the word "nineteen"; and**

**further amend said section, Line 18, by deleting the following on said line "and 1" and inserting in lieu thereof the following ", 1 and 2"; and**

**further amend said substitute, Page 44, Section 1, Line 11, by inserting immediately after said line the following:**

**Section 2. Waters of any lake surrounded on three sides by park land shall be considered to be a part of the state park. Vessels mooring, docking or rafting on state park land may only do so in designated areas. The Department of Natural Resources may issue permits for the use of park mooring, docking, or rafting facilities.**

**Representative Ross raised a point of order that House Amendment No. 17 is not germane to the bill.**

**The Chair ruled the point of order untimely.**

**Representative Green moved that House Amendment No. 17 be adopted.**

**Which motion was defeated.**

**Representative Schilling offered House Amendment No. 18.**

**Representative Crump raised a point of order that House Amendment No. 18 goes beyond the scope of the bill.**

**The Chair ruled the point of order well taken.**

**Representative Pryor offered House Amendment No. 18.**

**Representative Crump raised a point of order that House Amendment No. 18 goes beyond the scope of the bill.**

**The Chair ruled the point of order well taken.**

**On motion of Representative Crump, HS SCS SBs 49, 213, 130, 32, 235 and 221, as amended, was adopted.**

**On motion of Representative Crump, HS SCS SBs 49, 213, 130, 32, 235 and 221, as amended, was read the third time and passed by the following vote:**

**AYES: 124**

**Akin Alter Backer Ballard Barnett 4**

**Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright**

**Bonner Boucher Broach Burton Campbell**

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Davis 122

DeMarce Dolan Donovan Edwards-Pavia Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Green Griesheimer

Gunn Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Holand Hollingsworth

Hoppe Howerton Johnson Kasten Kelley 47

Kelly 27 Kennedy Kissell Koller Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Mays 50

McBride McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Schilling Schwab Secrest

Sheldon 104 Shields Smith Steen Stokan

Stoll Stroker Summers Surface Thomason 163

Townley Treadway Troupe Vogel Wannenmacher

Wiggins Williams 159 Wooten Mr. Speaker

NOES: 025

Auer Bauer Bland Bray 84 Carter

Davis 63 Days Dougherty Farmer Ford

Goward Graham 24 Hagan-Harrell Harlan Kauffman

Lumpe May 108 McClelland O'Toole Seigfreid

Shear Shelton 57 Skaggs Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 014

Daniels 41 Elliott Gross Hand Hohulin

Hosmer Kreider Lakin Marble Scheve

Scott Tate Thompson 37 Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Franklin, title to the bill was agreed to.

Representative Hollingsworth moved that the vote by which the bill passed be reconsidered.

Representative Gratz moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in HS HCS SB 21 as amended, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HCS HB 557, entitled:

An act to repeal sections 30.750, 30.756, 30.758, 30.767, 348.015 and 348.200, RSMo 1994, and section 348.075, RSMo Supp. 1996, relating to economic development, and to enact in lieu thereof twenty-two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS HB 578, entitled:

An act to repeal section 135.352, RSMo Supp. 1996, relating to tax credits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS HS HB 811, entitled:

An act relating to creating the healthy Missouri children corporation, with a penalty provision.

With Senate Amendment No. 1, 2, Senate Substitute Amendment No. 1 for Senate Amendment No. 4, Senate Amendment No. 5

*Senate Amendment No. 1*

AMEND Senate Substitute for House Substitute for House Bill No. 811, Page 8, Section 8, Line 25, by inserting following said line: "Section 9. State funds are prohibited from being appropriated to fund programs authorized by this act."

*Senate Amendment No. 2*

AMEND Senate Substitute for House Substitute for House Bill No. 811, Page 5, Section 3.5, Line 10, by adding after "RSMo" on said line the following: "and shall be a recognized I.R.C. 501 (c)(4) organization in good standing"

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 4*

**AMEND Senate Substitute for House Substitute for House Bill No. 811, Page 1, Sections 1 and 2, by striking all of said sections from the said bill; and inserting in lieu thereof the following:**

**"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:**

**(1) All recipients of state supplemental payments for the aged, blind and disabled;**

**(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;**

**(3) All recipients of blind pension benefits;**

**(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;**

**(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;**

**(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;**

**(7) All persons eligible to receive nursing care benefits;**

**(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;**

**(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;**

**(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;**

**(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;**

**(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to [one hundred eighty-five] two hundred percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;**

**(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of**

**family services shall use an income eligibility standard equal to [one hundred thirty-three] two hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;**

**(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to [one] two hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;**

**(15) The following children with family income which does not exceed [two] three hundred percent of the federal poverty guideline for the applicable family size:**

**(a) Infants who have not attained one year of age with family income greater than [one hundred eighty-five] two hundred percent of the federal poverty guideline for the applicable family size;**

**(b) Children who have attained one year of age but have not attained six years of age with family income greater than [one hundred thirty-three] two hundred percent of the federal poverty guideline for the applicable family size; and**

**(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than [one] two hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish copayment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;**

**(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;**

**(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;**

**(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;**

**(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of**

this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

**(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;**

**(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).**

**2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.**

**3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.**

**4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.**

**5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and**

**Further amend said bill, Sections 4, 5 and 6, pages 5-8, by striking all of said sections; and**

**Further amend the title and enacting clause accordingly.**

***Senate Amendment No. 5***

**AMEND Senate Substitute for House Substitute for House Bill No. 811, Page 2, Section 3, Line 7, by removing "organize children's groups to"**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HS HCS HB 361, entitled:**

**An act to repeal sections 441.020, 441.040, 441.060, 441.130, 441.140, 534.030, 534.090, 534.330, 534.380, 535.020, 535.030, 535.040, 535.060, 535.070, 535.080, 535.090, 535.140, 535.160 and 535.170, RSMo 1994, relating to certain landlord-tenant actions, and to enact in lieu thereof forty-seven new sections relating to the same subject, with penalty provisions.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed HB 381.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HCS HB 214, entitled:**

**An act relating to certain merchandising practices.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SS SCS HS HB 850, entitled:**

**An act to repeal sections 536.021, 536.022, 536.023 and 536.041, RSMo 1994, and sections 536.024, 536.025 and 536.050, RSMo Supp. 1996, relating to administrative rulemaking, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause.**

**Emergency Clause Adopted.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on SCS HCS HB 276 as amended, and grants the House a conference thereon.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed SCS HCS HB 141, entitled:**

**An act to repeal sections 407.980, 407.985 and 407.987, RSMo Supp. 1996, relating to convenience store security, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.**

**In which the concurrence of the House is respectfully requested.**

**Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HA 1 as amended, and HA 4 to SB 128 and has again taken up and passed SB 128, as amended by HA 1, as amended, and HA 4, but refuses to adopt HA 2 and requests the House to recede from its position on HA 2 and pass the bill.**

**APPOINTMENT OF CONFERENCE COMMITTEES**

**The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:**

**SCS HS HB 390: Representatives Hoppe, Foley, Hosmer, and Edwards-Pavia**

**SCS HS HCS HBs 69 and 179 and HCS HB 669: Representatives Hosmer, Reynolds, Stroker, Alter and Crawford**

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HS HCS HB 472, with Senate Committee Amendment No. 1, Senate Amendment Nos. 1, 2 and 3, relating to employment security, was taken up by Representative Luetkenhaus.**

**Representative Luetkenhaus moved that the House concur in Senate Committee Amendment No. 1, and**

**Senate Amendment Nos. 2 and 3.**

**Representative Clayton requested a division of the question.**

**Part I**

**Concur in Senate Committee Amendment No. 1.**

**Part II**

**Concur in Senate Amendment Nos. 2 and 3.**

**On motion of Representative Luetkenhaus, the House concurred in Senate Committe Amendment No. 1 by the following vote:**

**AYES: 127**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bauer Berkstresser Bland**

**Boatright Bonner Boucher Bray 84 Broach**

**Burton Campbell Carter Champion Cierpiot**

**Copeland Crawford Crump Daniel 42 Daniels 41**

**Davis 63 Days DeMarce Dolan Donovan**

**Edwards-Pavia Enz Evans Farnen Foley**

**Ford Foster Franklin Gaskill Gaston**

**Gibbons Goward Graham 24 Graham 106 Gratz**

**Green Griesheimer Gunn Hagan-Harrell Harlan**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**

**Hickey Hohulin Holand Hoppe Hosmer**

**Johnson Kasten Kelley 47 Kennedy Kissell**

**Koller Kreider Lakin Lawson Leake**

**Legan Levin Liese Linton Long**

**Luetkenhaus Lumpe May 108 Mays 50 McBride**

**McLuckie Merideth Miller Monaco Murray**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Pouche Pryor Purgason**

**Ransdall Reinhart Relford Reynolds Richardson**

**Rizzo Robirds Ross Sallee Schilling**

**Schwab Shear Sheldon 104 Shelton 57 Skaggs**

**Smith Steen Stokan Stoll Stroker**

**Summers Surface Thomason 163 Townley Treadway**

**Troupe Van Zandt Vogel Wannenmacher Wiggins**

**Wilson Mr. Speaker**

**NOES: 017**

**Bartelsmeyer Clayton Davis 122 Fitzwater Fritts**

**Froelker Hollingsworth Kauffman Lograsso Loudon**

**McClelland Murphy Patek Secrest Seigfreid**

**Shields Williams 159**

**PRESENT: 000**

**ABSENT WITH LEAVE: 019**

**Bennett 15 Chrismer Cooper Dougherty Elliott**

**Farmer Gross Hall Hand Howerton**

**Kelly 27 Marble Ridgeway Scheve Scott**

**Tate Thompson 37 Williams 121 Wooten**

**On motion of Representative Luetkenhaus, the House concurred in Senate Amendment Nos. 2 and 3 by the following vote:**

**AYES: 128**

**Akin Alter Auer Ballard Barnett 4**

**Barry 100 Bartelsmeyer Bauer Berkstresser Bland**

**Boatright Bonner Boucher Broach Burton**

**Carter Champion Cierpiot Copeland Crawford**

**Daniel 42 Daniels 41 Davis 63 Davis 122 Days**

**DeMarce Dolan Donovan Dougherty Edwards-Pavia**

**Enz Evans Farnen Foley Ford**

**Franklin Froelker Gaskill Gaston Gibbons**

**Graham 24 Graham 106 Gratz Green Griesheimer**

**Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer**

**Hegeman Hendrickson Hickey Hohulin Holand**

**Hoppe Hosmer Howerton Johnson Kasten**

**Kelley 47 Kennedy Kissell Koller Kreider**

**Lakin Lawson Leake Legan Levin**

**Liese Linton Lograsso Long Loudon**

**Luetkenhaus Lumpe May 108 Mays 50 McBride**

**McClelland McLuckie Miller Monaco Murray**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reinhart Relford Reynolds**

**Ridgeway Robirds Ross Sallee Schilling**

Schwab Scott Secrest Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Summers Surface Tate

Thomason 163 Townley Treadway Troupe Vogel

Wannenmacher Wiggins Mr. Speaker

NOES: 017

Backer Campbell Clayton Fitzwater Foster

Fritts Harlan Hollingsworth Kauffman Merideth

Murphy Richardson Rizzo Seigfreid Van Zandt

Williams 159 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 018

Bennett 15 Bray 84 Chrismer Cooper Crump

Elliott Farmer Goward Gross Hall

Hand Kelly 27 Marble Scheve Stroker

Thompson 37 Williams 121 Wooten

Representative Luetkenhaus moved that the House refuse to concur in Senate Amendment No. 1 to HS HCS HB 472 and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

SS SCS HB 259, relating to life insurance, was taken up by Representative Liese.

Representative Liese moved that the House refuse to adopt SS SCS HB 259 and request the Senate to recede from its position or, failing to do so, grant the House a conference and that the conferees be allowed to exceed the differences only in JCAR.

Which motion was adopted.

SS SCS HB 207, as amended, as relating to motor vehicle commission, was taken up by Representative Koller.

Representative Koller moved that the House refuse to adopt SS SCS HB 207, as amended, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

HS HCS SB 21, as amended, relating to sales tax, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to recede from its position on HS HCS SB 21, as amended, and grant the Senate a conference.

**Which motion was adopted.**

**HS HCS SCS SB 141, as amended, relating to Board of Pharmacy, was taken up by Representative Treadway.**

**Representative Treadway moved that the House refuse to recede from its position on HS HCS SCS SB 141, as amended, and grant the Senate a conference.**

**Which motion was adopted.**

**APPOINTMENT OF CONFERENCE COMMITTEE**

**The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:**

**HS HCS SB 21: Representatives Hoppe, Hosmer, Kreider, Edwards-Pavia and Froelker**

**THIRD READING OF SENATE BILL - INFORMAL**

**HCS SS SCS SB 165, as amended, relating to economic development, was again taken up by Representative Rizzo.**

**Representative Barry, having voted on the prevailing side, moved that the vote by which House Amendment No. 26 to HCS SS SCS SB 165, as amended, was adopted be reconsidered.**

**Which motion was adopted by the following vote:**

**AYES: 085**

**Auer Backer Barry 100 Bauer Bland**

**Bonner Boucher Bray 84 Campbell Carter**

**Clayton Cooper Copeland Crump Daniel 42**

**Daniels 41 Davis 122 Days DeMarce Donovan**

**Dougherty Farmer Farnen Fitzwater Ford**

**Franklin Fritts Graham 24 Gratz Green**

**Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth**

**Hoppe Hosmer Johnson Kauffman Kelly 27**

**Kennedy Koller Kreider Lakin Lawson**

**Leake Liese Lumpe May 108 McBride**

**McClelland McLuckie Merideth Monaco Murphy**

**Murray O'Toole Overschmidt Parker Pouche**

**Ransdall Relford Rizzo Scheve Schilling**

**Seigfreid Shear Shelton 57 Skaggs Smith**

**Stokan Stoll Stroker Tate Thomason 163**

**Thompson 37 Treadway Van Zandt Vogel Wannenmacher**

**Wiggins Williams 121 Williams 159 Wilson Mr. Speaker**

**NOES: 070**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Champion Chrismer Cierpiot Crawford Davis 63**

**Dolan Enz Evans Foley Foster**

**Froelker Gaskill Gaston Gibbons Goward**

**Graham 106 Griesheimer Gunn Hartzler 123 Hartzler 124**

**Hegeman Hendrickson Hohulin Holand Howerton**

**Kasten Kelley 47 Kissell Legan Levin**

**Linton Lograsso Long Loudon Luetkenhaus**

**Mays 50 Miller Naeger Nordwald O'Connor**

**Ostmann Patek Pryor Purgason Reinhart**

**Reynolds Richardson Ridgeway Robirds Ross**

**Sallee Scott Secrest Sheldon 104 Shields**

**Steen Summers Surface Townley Troupe**

**PRESENT: 000**

**ABSENT WITH LEAVE: 008**

**Edwards-Pavia Elliott Gross Hall Hand**

**Marble Schwab Wooten**

**House Amendment No. 26 was withdrawn.**

**HCS SS SCS SB 165, as amended, was placed on the Third Reading Calendar.**

**THIRD READING OF SENATE BILL**

**HCS SS SB 208, relating to military benefits and other scholarships, was taken up by Representative Scheve.**

**Representative Patek offered House Amendment No. 1.**

***House Amendment No. 1***

**AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 208, Pages 11 and 12, Section 313.835, Lines 42 to 49, by deleting all of said lines and inserting in lieu thereof the following: "(c) All remaining net proceeds in the gaming commission fund shall be appropriated solely for the public institutions of elementary, secondary and higher education.".**

**Representative Patek moved that House Amendment No. 1 be adopted.**

**Which motion was defeated.**

**HCS SS SB 208 was laid over.**

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

SCS HCS HB 276: Representatives Davis (122), Skaggs, Harlan, Linton and Cooper

HS HCS SCS SB 141: Representatives Smith, Hosmer, Parker, Ostmann and Dolan

COMMITTEE REPORT

Committee on Accounts, Operations, and Finance, Chairman Skaggs reporting:

Mr. Speaker: Your Committee on Accounts, Operations, and Finance, to which was referred HR 1167, begs leave to report it has examined the same and recommends that it Do Pass.

HOUSE RESOLUTION 1167

WHEREAS, the provisions of section 21.155 RSMo 1973, sets forth that the House of Representatives may by resolution continue in employment such number of employees after adjournment as may be necessary for operation during the interim period, and

WHEREAS, the House of Representatives will have need for (a) secretarial, (b) administrative, and (c) research staff and budget staff after adjournment on May 16, 1997, and

WHEREAS, the House of Representatives employees are designated and funded in House Bill No. 12, including those employees who may be needed for veto or extra special sessions of the House.

NOW THEREFORE BE IT RESOLVED, that the Committee on Accounts, Operations and Finance of the House of Representatives may employ for the period between May 16, 1997 through January 7, 1998, such employees as are authorized in the appropriations of the House of Representatives pursuant to House Bill No. 12, and as are deemed necessary by the Accounts, Operations and Finance Committee. Such employees to include the secretarial, administrative, research, budget and support staff personnel not to exceed that authorized pursuant to House Bill No. 12 adopted by the 89th General Assembly and approved by the Governor.

Committee on Rules, Joint Rules, and Bills Perfected and Printed, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred SCS HB 816, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SB 247 - Budget (Fiscal Note)

CONFERENCE COMMITTEE REPORT NO. 2

ON

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 16

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 16 with House Amendment No. 1 and House Amendment No. 2;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 16;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Gracia Backer /s/ James Mathewson

/s/ Rita D. Days /s/ Betty Sims

/s/ Rodger Fitzwater /s/ Sidney Johnson

/s/ Linda Bartelsmeyer /s/ Steve Ehlmann

/s/ Beth Long /s/ Harold Caskey

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

State of Missouri

TO THE CHIEF CLERK OF THE

HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

89TH GENERAL ASSEMBLY

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill No. 356 entitled:

"AN ACT"

To repeal sections 104.010, 104.103, 104.340, 104.350, 104.371, 104.372, 104.374, 104.401, 104.415, 104.420, 104.470, 104.490, 104.519, 104.602, 104.612, 104.620, 105.691, 287.812, 287.835, 287.845, 287.856, 476.450, 476.480, 476.520, 476.524, 476.530, 476.555, 476.580, and 476.595, RSMo 1994, and sections 104.312, 104.335, 104.342, 104.395, 104.410, 104.515, 104.517, 104.530, 104.800, 287.820, 476.515, 476.539, 476.601 and 476.690, RSMo Supp. 1996, relating to certain state retirement systems, and to enact in lieu thereof forty-three new sections relating to the same subject.

On May 13, 1997, I approved said Senate Committee Substitute for House Committee Substitute for House Bill No. 356.

**Respectfully submitted**

**/s/ Mel Carnahan**

**Governor**

**ADJOURNMENT**

**On motion of Representative Backer, the House adjourned until 9:30 a.m., Wednesday, May 14, 1997.**

**CORRECTIONS TO THE HOUSE JOURNAL**

**Correct House Journal, Seventieth Day, Monday, May 12, 1997, Page 1901, by deleting all of lines 33 through 36 and inserting in lieu thereof the following:**

***House Amendment No. 2***

**AMEND House Substitute for House Committee Substitute for Senate Bill No. 21, Page 6, Section 67.1300, Line 20 of said page, by inserting immediately before the words "of the contiguous" the following: "["; and**

**Further amend said bill, Page 7, Section 67.1300, Line 1 of said bill, by inserting after the word "any" the following: "]"; and**

**Further amend said bill, Page 7, Section 67.1300, Lines 7 to 11 of said page, by deleting all of said lines; and**

**Further amend said bill, Page 7, Section 67.1300, Line 12 of said page, by deleting the word "the"; and**

**Further amend said bill, Page 7, Section 67.1300, Line 14 of said page, by deleting the words "or any county of the"; and**

**Further amend said bill, Page 7, Section 67.1300, Lines 15 to 22, by deleting all of said lines; and**

**Further amend said bill, Page 8, Section 67.1300, Lines 1 to 22 of said page, by deleting all of said lines; and**

**Further amend said bill, Page 9, Section 67.1300, Lines 1 to 9 of said page, by deleting all of said lines; and**

**Further amend said bill, Page 9, Section 67.1300, Line 10 of said page, by deleting the words "than twenty-seven thousand five hundred" and inserting in lieu thereof the following: "or any county of the third classification"; and**

**Further amend said bill, Page 9, Section 67.1300, Line 14 of said page, by inserting after the word "RSMo" the following: "["; and**

**Further amend said bill, Page 10, Section 67.1300, Line 7 of said page, by inserting after the word "inhabitants" the following: "]".**

**Pages 1829 and 1830, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".**

**Pages 1830 and 1831, roll call, by showing Representatives Barry (100), Edwards-Pavia, Kelly (27) and Reynolds voting "aye" rather than "absent with leave".**

**Pages 1831 and 1832, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".**

**Page 1832, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".**

**Page 1833, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".**

**Page 1834, roll call, by showing Representatives Kelly (27), Purgason and Reynolds voting "aye" rather than "absent with leave".**

**Page 1835, roll call, by showing Representatives Kelly (27) and Kennedy voting "aye" rather than "absent with leave".**

**Pages 1835 and 1836, roll call, by showing Representatives Kelly (27), Kennedy, Reynolds and Stokan voting "aye" rather than "absent with leave".**

**Pages 1858 and 1859, roll call, by showing Representatives Hagan-Harrell and Kasten voting "aye" rather than "absent with leave".**

**Pages 1900 and 1901, roll call, by showing Representative Edwards-Pavia voting "aye" rather than "absent with leave".**

**Pages 1900 and 1901, roll call, by showing Representative Purgason voting "aye" rather than "no".**

**Pages 1910, roll call, by showing Representative Donovan voting "aye" rather than "absent with leave".**

**Pages 1913 and 1914, roll call, by showing Representatives Hosmer and Stokan voting "aye" rather than "absent with leave".**

**Pages 1915 and 1916, roll call, by showing Representatives Long, Davis (63), Days and Kelly (27) voting "aye" rather than "absent with leave".**

**Page 1919, roll call, by showing Representatives Kreider, Lawson, McClelland, Sallee, Surface and Thomason (163) voting "aye" rather than "absent with leave".**

## COMMITTEE MEETINGS

### BUDGET

**Wednesday, May 14, 1997, 8:30 am. Hearing Room 9.**

**Executive session on previously heard bills.**

**To be considered - SB 169, SB 251, SB 168**

### ETHICS

**Wednesday, May 14, 1997. Side gallery upon morning adjournment. Clout caucus.**

### JOINT COMMITTEE ON LEGISLATIVE RESEARCH

**Thursday, May 15, 1997, 8:30 am. Hearing Room 7. Audit assignments,**

**approval of audit reports, adoption of ballot language, other administrative matters.**

### MISCELLANEOUS BILLS AND RESOLUTIONS

**Wednesday, May 14, 1997, 9:30 am. Hearing Room 7. Executive session.**

**To be considered - HCR 33, SCR 26**

**HOUSE CALENDAR**

**SEVENTY-SECOND DAY, WEDNESDAY, MAY 14, 1997**

**HOUSE BILLS FOR PERFECTION**

**1 HCS HB 595 - Koller**

**2 HB 57, as amended, HA 3, pending, - Shear**

**3 HB 267 - Overschmidt**

**4 HCS HB 724 - Riback Wilson**

**5 HB 108 - Scheve**

**6 HB 423, HCA 1 - Backer**

**7 HB 848 - DeMarce**

**8 HCS HB 511 - Graham (24)**

**9 HB 497, HCA 1 - Naeger**

**10 HB 106 - Bland**

**11 HB 753 - Broach**

**12 HB 47 - Bland**

**HOUSE BILLS FOR PERFECTION - INFORMAL**

**1 HB 570, as amended - Stoll**

**2 HCS HB 155, 81 & 171 - Farmer**

**3 HCS HB 426, 576 & 567 - Luetkenhaus**

**4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo**

**5 HCS HB 396 - Hosmer**

**6 HCS HB 748 & 605 - McLuckie**

**7 HCS HB 146 - Scheve**

**8 HCS HB 436 & 260 - Treadway**

**9 HS HCS HB 349, as amended, HS, adopted, pending - Koller**

**10 HCS HB 723, 789 & 372, as amended, - Dougherty**

**HOUSE BILLS FOR THIRD READING**

**HB 135, (Budget Fiscal 4-30-97) - Dougherty**

**HCS HB 582, (Budget Fiscal 4-30-97) - Schilling**

**HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long**

**HOUSE BILLS FOR THIRD READING - INFORMAL**

**HB 215 - Dougherty**

**HS HCS HB 282 - Kissell**

**SENATE BILLS FOR THIRD READING**

1 HCS SS SCS SB 165, as amended - Rizzo

2 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn

3 HCS SS SB 361, as amended, E.C. - Dougherty

4 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty

5 HCS SS SB 208 - Scheve

6 HCS SCS SB 79 - Thomason (163)

7 HCS SB 320 - McBride

8 HCS SCS SB 140 - Koller

9 SS SCS SB 274, HCA 1 - Crump

10 HCS SS SCS SB 386 & 372, E.C. - Smith

11 HCS SCS SB 457 & 458, (Budget Fiscal 5-12-97) - Clayton

12 SB 216, HCA 1 - Boatright

13 SCS SB 319, HCA 1 - Carter

14 HCS SS SCS SB 345 - Treadway

15 SB 171 - May (108)

16 SCS SB 258 & 228 - Rizzo

17 SB 187, HCAs 1 and 2 - Sallee

18 HCS SB 72 - Wiggins

19 SS SB 275 - O'Connor

20 HCS SS SCS SB 327, E.C. - Lakin/Richardson

21 HCS SS SB 466 - Shelton (57)

22 HCS SB 119 - Hosmer

23 HCS SCS SB 376, E.C. - Pryor

24 HCS SS SCS SB 168, (Budget Fiscal 5-13-97) - Stoll

25 SCS SB 105 - Hegeman

26 SB 108 - Broach

27 HCS SB 169, (Budget Fiscal 5-12-97) - May (108)

28 HCS SCS SB 251, (Budget Fiscal 5-12-97) - Hosmer

29 SCS SB 55 - Luetkenhaus

30 HCS SS SB 22 - Scheve

31 SB 247, (Budget Fiscal 5-13-97) - Barry

HOUSE BILLS WITH SENATE AMENDMENTS

1 SCS HCS HB 141 - Smith

2 SCS HCS HB 214 - Thomason (163)

3 SS SCS HS HB 850, E.C. - Kelly (27)

4 SCS HS HCS HB 361 - May (108)

5 SS HS HB 811, as amended, - Lakin

6 SCS HCS HB 557 - Leake

7 SS HB 578 - Williams (121)

BILLS CARRYING REQUEST MESSAGES

SB 262, HCA 1 (Req. House recede/pass bill) - Treadway

SS HB 791, (Req. Sen. rec/grant House conf) - Stoll

HS HCS HB 472, a.a.,SA 1 (Req Sen rec/grant House conf) - Luetkenhaus

SB 128, a.a., HA 2 (Req House rec/pass bill) - Liese

SS SCS HB 259, (Req Sen recede/grant House conf) - Liese

SS SCS HB 207, a.a.,E.C. (Req. Sen rec/grant House conf) - Koller

BILLS IN CONFERENCE

1 HCS#2 SB 161 - Kelly (27)

2 CCR HCS SCS SB 316 - Hoppe

3 CCR HCS SB 387, E.C. - Smith

4 CCR #2 HS HCS SCS SB 16, as amended - Backer

5 SS SCS HB 491, as amended, - Gaw

6 HS HCS SB 218 - Crump

7 CCR SB 315, as amended, - Koller

8 SCS HB 394 - Loudon

9 SS SCS HS HCS HB 335, as amended, - Harlan

10 HCS HB 600 & 388 - Carter

11 HS HCS SCS SB 89, as amended, - Legan

12 HS HCS SS SB 121, as amended, - Williams (121)

13 CCR HCS SS SB 11, as amended, - Leake

14 SCS HS HB 390, as amended, - Hoppe

15 SCS HS HCS HB 69 & 179 & HCS HB 669, as amended, E.C. - Hosmer

16 HS HCS SB 21, as amended, E.C. - Hoppe

17 SCS HCS HB 276, as amended, - Davis (122)

18 HS HCS SCS SB 141, as amended, - Treadway

SENATE CONCURRENT RESOLUTION

SCR 21, (4-10-97, pgs. 1033 & 1034) -

HOUSE RESOLUTIONS

HCS HR 548, HA 1 to HA 1, HA 1, pending (4-29-97, pgs 1409) - Dougherty

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTY-SECOND DAY, Wednesday, May 14, 1997

Speaker Gaw in the Chair.

Prayer by Larry Walker, Sergeant-at-Arms.

Dear Lord,

Let us pray to give you thanks for the many blessings you share with us as we near the end of the session, I pray for each Representative as they perform their duties. Also, be with those that are in need of your healing hand.

Be with our Speaker as he leads us.

We pray these things in your precious name. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Alison Harlan, Kim Dedyo, Corian Grimes, Sally Rogers, Jordan Mouser, Bobby Shaw, Richard Hobson and Carmen Lewis.

The Journal of the seventy-first day was approved as corrected.

**RESOLUTIONS**

Representative Levin offered House Resolution No. 1338, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolutions Nos. 1339 through 1343, which were

referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution No. 1344, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution No. 1345, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kreider offered House Resolutions Nos. 1346 and 1347, which were referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 2, HJR 18** and **SCS HB 13**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**HOUSE BILLS FOR PERFECTION -INFORMAL**

**HB 570, as amended,** relating to school bus safety, was taken up and placed back on the Informal Calendar.

**HCS HB 155, 81 and 171**, relating to state income tax, was taken up and placed back on the Informal Calendar.

**HCS HBs 426, 576 and 567**, relating to employers and employees, was taken up and placed back on the Informal Calendar.

**HB 435, with House Committee Amendment Nos. 1, 2, 3, 4, and 5**, relating to economic development, was taken up and placed back on the Informal Calendar.

**HCS HB 396**, relating to hotel operators, was taken up and placed back on the Informal Calendar.

**HCS HBs 748 and 605**, relating to health insurance, was taken up and placed back on the Informal Calendar.

**HCS HB 146**, relating to state income tax, was taken up and placed back on the Informal Calendar.

**HCS HBs 436 and 260**, relating to bail bondsmen, was taken up and placed back on the Informal Calendar.

**HS HCS HB 349, as amended, with HS, adopted, pending,** relating to outdoor advertising, was taken up and placed back on the Informal Calendar.

**HCS HBs 723, 789 and 372, as amended,** relating to domestic relations, was taken up and placed back on the Informal Calendar.

**CONFERENCE COMMITTEE REPORT NO. 2**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NOS. 600 & 388**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for House Bill Nos. 600 & 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill Nos. 600 & 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 600 & 388;

3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill Nos. 600 & 388 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Paula Carter /s/ Jerry Howard

/s/ Tim Harlan /s/ William Clay

/s/ Bill Luetkenhaus /s/ J. B. Banks

/s/ Mary Lou Sallee /s/ Betty Sims

/s/ Chuck Wooten David Klarich

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on **HS HCS SCS SB 16 as amended**, and has taken up and passed **CCS #2 HS HCS SCS SB 16**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SA 1 to HS HCS HB 472**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCA 1, HCA 2, HCA 3, HAs 1, 2 & 3 to SB 358**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 248 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 67** and has again taken up and passed **SB 67, as amended by HCA 1,** but refuses to concur in **HA 1 as amended,** and requests the House to recede from its position on **HA 1 as amended,** and take up the bill and pass it.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 207 as amended**, and grants the House a conference thereon and that the conferees be allowed to exceed the differences to include new JCAR language.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 259**, and grants the House a conference thereon and that the conferees be allowed to exceed the differences solely to insert the new JCAR language.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SB 21 as amended**: Senators Lybyer, Johnson, Clay, Bentley and Childers.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS HCS SCS SB 141 as amended**: Senators Quick, McKenna, Johnson, Klarich and Mueller.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS**

**HB 276 as amended**: Senators Quick, McKenna, Scott, Childers and Sims.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Patek

NOES: 000

PRESENT: 147

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Boatright Bonner Boucher Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hickey Hohulin Holand
Hollingsworth Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Lumpe May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stroker Summers Surface Tate
Thomason 163 Townley Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 015

Bland Bray 84 Crump Daniel 42 Daniels 41

Farmer Gaskill Hand Hoppe Marble

Richardson Steen Stoll Thompson 37 Treadway

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SCS HCS HB 141**, relating to convenience store safety, was taken up by Representative Smith.

Representative Smith moved that the House refuse to adopt **SCS HCS HB 141** and request the Senate to recede from its position or, failing to do so, grant the House a conference, and the conferees be allowed to exceed the differences in Section 407.980 and Section 407.985.

Which motion was adopted.

**SCS HCS HB 214**, relating to motorcycle franchise practices, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), **SCS HCS HB 214** was adopted by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Bland Bray 84 Daniel 42 Hand Hoppe

Marble Thompson 37

On motion of Representative Thomason (163), **SCS HCS HB 214** was truly agreed to and finally passed by the following vote:

AYES: 150

Akin Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kelley 47 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Alter Bland Bray 84 Daniel 42 Daniels 41

Hand Hoppe Kauffman Kelly 27 Loudon

Marble Thompson 37 Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Clayton moved that motion lay on the table.

The latter motion prevailed.

**SS HS HB 811, as amended,** relating to healthy Missouri Children Corporation, was taken up by Representative Lakin.

Representative Lakin moved that the House refuse to adopt **SS HS HB 811, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

**SS HS HB 811, as amended, with motion pending,** was laid over.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**HS HCS HB 472** : Representatives Luetkenhaus, May (108), Gratz, Secrest and Pryor

**SS SCS HB 207**: Representatives Koller, Backer, Leake, Gaskill and Nordwald

On motion of Representative Backer, the House recessed until 12:30 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Representative Scheve.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Fedale Waters, Lauren Joiner, Tanesha Dale and Terrance Williams.

**RESOLUTIONS**

Representative Howerton offered House Resolution No. 1348, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fritts offered House Resolution No. 1349, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Relford offered House Resolution Nos. 1350 and 1351, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Lakin offered House Resolution Nos. 1352 and 1353, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Lakin and Ridgeway offered House Resolution Nos. 1354 through 1356, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 1357, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 1358, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Clayton offered House Resolution No. 1359, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**HS HCS SCS SB 141:** Representatives Treadway, Stoll, Barry, Nordwald and Holand

**SS SCS HB 259:** Representatives Liese, Bauer, Van Zandt, Elliott and Donovan

**REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

**SCR 25** - Critical Issues

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SCS SB 457 & 458 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 15** and **HB 17**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS SCS HB 259**: Senators Mathewson, Goode, Curls, Flotron and Rohrbach.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SCS SBs 49, 213, 130, 32, 235 & 221 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS SS SB 97 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 288**, entitled:

An act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1996, relating to public drinking water, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1 to Senate Committee Amendment No. 1; Senate Committee Amendment No. 1 as amended; Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2; Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3; Senate Committee Amendment No. 4; Senate Amendment No. 1; Senate Amendment No. 2; Senate Amendment No. 3; Senate Amendment No. 4; Senate Amendment No. 1 to Senate Amendment No. 5; Senate Amendment No. 5 as amended; Senate Amendment No. 6; Senate Amendment No. 7; Senate Amendment No. 1 to Senate Amendment No. 8, Senate Amendment No. 8 as amended.

*Senate Amendment No. 1*

*to*

*Senate Committee Amendment No. 1*

AMEND Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 288, Page 1, Section 640.100, Line 9, by adding after the "." the following: "Any such state certification shall satisfy any need for local certification."

*Senate Committee Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 288, Page 2, Section 640.100, Line 15, by inserting after the word "operators" the following: "**, backflow prevention assembly testers**"; and

Further amend said bill, page 2, section 640.100, line 16, by striking ", and" and inserting in lieu thereof the following: "**. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally-recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. The commission shall promulgate rules and regulations**"; and

Further amend said bill, page 2, section 640.100, line 20, by placing an opening bracket "[" before the word "The" as it appears the first time on said line; and

Further amend said bill, Page 2, Section 640.100, Line 28, by placing a closing bracket "]" after the numeral and period "640.110.".

*Senate Substitute Amendment No. 1*

*for*

*Senate Committee Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 288, Page 10, Section 640.137, Line 17, by inserting immediately after all of said line the following:

"**644.037. Where applicable, under section 404 of the federal Clean Water Act and where the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized, the department shall certify without conditions said nationwide permit as it applies to impacts on wetlands in this state.**"; and

Further amend the title and enacting clause accordingly.

*Senate Substitute Amendment No. 1*

*for*

*Senate Committee Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 288, Page 4, Section 640.107, Lines 1 to 3,by striking all of said lines and inserting in lieu thereof the following:

"**640.107. 1. There is hereby established, as a subfund of the water and wastewater fund established in section 644.122, RSMo, the "Drinking Water Revolving Fund", which shall be maintained and accounted for separately, and which shall consist of moneys from all lawful public and private sources including legislative appropriations, federal capitalization grants, interest on investments and principal and interest payments with respect to loans made from the drinking water revolving fund. Money in the drinking water revolving fund may be used only for purposes as are authorized in the Federal Safe Drinking Water Act, as amended from time to time.**

**2. The commission shall, consistent with the requirements of the federal Safe Drinking Water Act for the drinking water revolving fund to become eligible for capitalization grants from the U.S. Environmental Protection Agency, establish criteria and procedures for the selection of projects and the making of loans or the grant of loan subsidies for disadvantaged communities.**

**3. After providing for review and public comment, and in accordance with the requirements for such plans set forth in the federal Safe Drinking Water Act, the commission shall annually prepare an intended use plan for the funds available in the drinking water revolving fund.**

**4. Consistent with the requirements of the federal Safe Drinking Water Act, and only to the extent funds are able to be obligated for eligible projects of public water systems, in developing its annual intended use plan, the commission shall make available no less than thirty-five percent, but may make available greater than thirty-five percent, of the moneys credited to the drinking water revolving fund solely for project loans and loan subsidies for projects of systems serving fewer than ten thousand people in accordance with the following:**

**Systems Serving Percentage**

**0 - 3300 people 20%**

**3301 - 9,999 people 15%**

**provided that, in any fiscal year, loan subsidies may not exceed the maximum percentage as specified in the federal Safe Drinking Water Act. In any fiscal year in which there are insufficient applicants and projects in the population categories listed above to allocate the percentages of funds specified pursuant to this subsection, any balance of funds otherwise reserved for systems serving fewer than ten thousand people shall be available for obligation to eligible projects from any eligible applicant. Such uncommitted balances shall be redistributed in accordance with the intended use plan.**".

*Senate Committee Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 288, Page 5, Section 640.115, Line 19, by striking the following: ", technical and financial capacity"; and inserting in lieu thereof the following: "**and technical capacity and may be required to have and maintain financial capacity**"; and

Further amend said bill, page and section line 26, by striking the following: ", technical and financial" and inserting in lieu thereof the following: "**and technical**"; and

Further amend said bill, page and section, line 27, by inserting after the word "capacity" the following: "**and may be required to have and maintain financial capacity**".

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 288, Page 4, Section 640.102, Line 19, by striking the word "piped".

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 288, Page 11, Section 644.122, Line 38, by inserting after all of said line the following:

"**Section 1. Beginning January 1, 1997, notwithstanding any other provision of law to the contrary, a privately owned water company serving customers in a city with a population of at least fifteen thousand but not more than seventeen thousand inhabitants where such city is located in a county of the fourth classification shall not increase the rates charged to customers in such city or in any other political subdivision in which the water company serves customers for the purpose of acquisition, design, improvement, construction or operation of a facility if such facility does not benefit the customers in such city or political subdivision. Notwithstanding the provisions of this section, if a governing body of a city or political subdivision not benefiting from such acquisition, design, improvement, construction or operation approves a rate increase for such purpose, the rates charged in such city or political subdivision may be increased only for the customers residing in such city or political subdivision. The provisions of this section shall not apply to construction projects commenced before January 1, 1997.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 288, Page 11, Section 644.122by inserting immediately after all of said line the following:

"**Section 1. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section and section 536.028, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 11, Section 644.122, Line 38, by inserting immediately after all of said line the following:

"**Section 2. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.**

**5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 288, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "640.137," the number "644.042,"; and

Further amend said bill, Page 10, Section 640.137, Line 17, by inserting after all of said line the following:

"**644.042. 1. The clean water commission of the state of Missouri, created in section 644.021, may adopt by rule a rebuttable presumption that any stream segment located within one mile upstream of a stream segment that has been determined by the commission to be a losing stream, as defined by the commission by rule, is also a losing stream until determined otherwise by the commission based upon the evidence.**

**2. Except for the presumption authorized by subsection 1 of this section, the commission shall not adopt any presumption that any other stream segments are losing streams, and shall make any such determinations based on data applicable to such stream segments.**".

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 5*

AMEND Senate Amendment No. 5 to House Committee Substitute for House Bill No. 288, Page 1, Section 640.120, Line 4, by inserting after the word "state" the following: "**whose requirements are substantially the same as those of this state.**".

*Senate Amendment No. 5*

AMEND House Committee Substitute for House Bill No. 288, Page 6, Section 640.120, Line 19, by inserting the following:

"**Any person subject to section 256.468 who is registered as a professional geologist in another state and has practiced no less than five years in the state of Missouri other requirements notwithstanding may be certified as a registered geologist in the state of Missouri subject to approval of the Board of Geologist Registration.**".

*Senate Amendment No. 6*

AMEND House Committee Substitute for House Bill No. 288, Page 10, Section 640.137, Line 17, by inserting after all of said line the following:

"**644.018. In any contested case involving surface water in any flood prone area, if any defendant has obtained a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction over the area in dispute, then the proper permitting of said project shall be conclusive proof that the project is a reasonable use and meets any reasonable use test imposed by law or by a court.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND House Committee Substitute for House Bill No. 288, Page 10, Section 640.137, Line 17,by inserting immediately after all of said line the following:

"644.036. 1. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held after thirty days' prior notice by advertisement of the date, time and place of the hearing and opportunity given to the public to be heard. Notice of the hearings and copies of the proposed standard, rule or regulation or any amendment or repeal thereof shall also be given by regular mail, at least thirty days prior to the scheduled date of the hearing, to any person who has registered with the executive secretary for the purpose of receiving notice of such public hearings in accordance with the procedures prescribed by the commission at least forty-five days prior to the scheduled date of the hearing. However, this provision shall not preclude necessary changes during this thirty-day period.

2. At the hearing, opportunity to be heard by the commission with respect to the subject thereof shall be afforded any interested person upon written request to the commission, addressed to the executive secretary, not later than seven days prior to the hearing, and may be afforded to other persons if convenient. In addition, any interested persons, whether or not heard, may submit, within seven days subsequent to the hearings, a written statement of their views. The commission may solicit the views, in writing, of persons who may be affected by, or interested in, proposed rules and regulations, or standards. Any person heard or represented at the hearing or making written request for notice shall be given written notice of the action of the commission with respect to the subject thereof.

3. Any standard, rule or regulation or amendment or repeal thereof shall not be deemed adopted or in force and effect until it has been approved in writing by at least four members of the commission. A standard, rule or regulation or an amendment or repeal thereof shall not become effective until a certified copy thereof has been filed with the secretary of state as provided in chapter 536, RSMo.

4. Unless prohibited by any federal water pollution control act, any standard, rule or regulation or any amendment or repeal thereof which is adopted by the commission may differ in its terms and provisions as between particular types and conditions of water quality standards or of water contaminants, as between particular classes of water contaminant sources, and as between particular waters of the state.

**5. Except as otherwise provided pursuant to subsection 6 of this section, all rules promulgated by the Missouri clean water commission shall be no stricter than those required pursuant to federal law.**

**6. The commission may adopt federal rules by reference following the procedures and requirements of section 644.036, RSMo. Where federal rules are adopted by reference, failure to include certain rules shall not, in itself, mean that those rules are not applicable in this state and shall not be interpreted to mean that the state intends**

**to be more restrictive than federal requirements. In cases where there are no federal standards or guidelines for such regulation, where no other provision of law exists, or where such federal laws, standards, or guidelines are not sufficient to protect public health, welfare, or the environment, the commission may regulate such activities based upon substantial evidence on the record after public hearing and finding by the commission that the subject of such regulation constitutes a significant adverse impact to public health, welfare, or the environment. The commission shall establish procedures for the exercise of its authority under this section for determining whether a significant adverse impact to pubic health, welfare, or the environment exists through formal rulemaking. Such criteria and rulemaking shall be based upon reasonably available scientific data and shall, at a minimum, include consideration of health, welfare, economics, pollution prevention and the effectiveness and cost of available control methods.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 8*

AMEND Senate Amendment No. 8 to House Committee Substitute for House Bill No. 288, Page 1, Seciton 1, Line 4, by adding following the word "Board" the following: "**if a majority of the voting members of the district approve at a regularly scheduled election date.**".

*Senate Amendment No. 8*

AMEND House Committee Substitute for House Bill No. 288, Page 11, Section 644.137, Line 38, by inserting after all of said line the following:

"**Section 1. 1. There is hereby established in each public water supply district in this state a "Board of Rate, Charge and Service Complaint Review", hereafter referred to as the "board". The board shall consist of three members, which shall include the president of the board of directors of the district, the presiding commissioner of the county in which the district is located or the county which contains the largest number of inhabitants of the public water supply district as measured by the most recent decennial census if the district is located in more than one county and a public member selected as provided in subsection 2 of this section.**

**2. The initial public member shall be appointed by the circuit court in which the district was established pursuant to section 247.040, RSMo, and shall serve until the immediately following first Tuesday after the first Monday in June. On the expiration of the term of the public member, a public member shall be elected to serve a term of three years, and such election shall be held as otherwise provided by law for election of members of the board of directors of a public water supply district, and such elections may be held in April pursuant to section 247.180, RSMo. The initial public member may be elected to serve as the public member, and a public member may be elected to serve any number of terms. A public member shall be a voter of the district and shall have resided in the district for one whole year immediately prior to his election. A public member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. A public member shall not be a member of the board of directors of the district nor an employee of the district nor related to a member of the board of directors of the district or an employee of the district to within the first degree of consanguinity or affinity.**

**3. Two members of the board shall constitute a quorum, but no finding, determination, recommendation or other action may be taken by the board except upon the affirmative vote of at least two members of the board.**

**4. The board shall hear all complaints brought before it regarding services provided by the public water supply district or regarding the reasonableness of the rates or charges fixed by the district. A hearing shall be held within thirty days of receipt of a written complaint, unless the board determines, for good cause shown, that a hearing can not be held within thirty days, in which case the hearing shall be held no later than sixty days following receipt of the complaint. In determining the reasonableness of the rates or charges, the board shall strive to ensure that the district does not collect for any service or product rendered a greater or less compensation than it collects from any other person for providing a like and contemporaneous service under the same or substantially the same circumstances and conditions and the board shall strive to ensure that no rate or charge places an unreasonable burden upon a customer or class of customer of a particular product or service in relation to the rates of the district. In any hearing on a complaint, the burden shall be on the district to show, by clear and convincing evidence, that the rate or charge is reasonably necessary to promote the**

**public interest and the purposes and policies of the district.**

**5. Within thirty days following the hearing on a complaint as to the reasonableness of a rate or charge, the board shall make a determination as to whether the rate or charge is just and reasonable. Upon a determination that the charge is unreasonable, the board shall so inform the board of directors of the district along with its recommendations, if any, for a reasonable rate of charge for such product or service. The board of directors may, within a reasonable time established in its rule and regulations but no later than ninety days, revise any rate or charge determined by the board to be unreasonable to a reasonable rate and may adopt the rate recommended by the board.**

**6. Within thirty days following the hearing on a complaint regarding the adequacy of any service or product provided by the district, the board shall determine if the service provided meets the requirements of applicable laws and the rules of the district and is adequate to promote the policies and purposes of the district. Upon a determination that the service is inadequate, the board shall so inform the board of directors of the district along with its recommendation for remediation, including a recommended time table for such remediation. The board of directors shall make reasonable remediation within a reasonable time of any service determined by the board to be inadequate.**

**7. No penalties may be assessed nor any lien imposed on the basis of a delinquent charge pursuant to section 247.110, RSMo, if the charge is determined by the board to be unreasonable.**"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 528**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 883**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 630**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 509**, entitled:

An act to amend chapter 208, RSMo, relating to public assistance by adding thereto two new sections relating to temporary assistance for needy families.

With Senate Amendment No. 1, Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 509, Page 1, Section 208.028, Lines 4-15, by deleting said section, and

Further amend said bill, Page 2, Section 208.029, by deleting lines 22-24, and

Further amend said bill, by deleting subsection 5 and inserting in lieu thereof the following:

**(6) Meets a needs criteria established by the division of family services and in accordance with appropriations granted by the general assembly.**

*Senate Amendment No. 2*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 509, Page 2, Section 208.029, Line 13, by striking the word "requirements" and inserting in lieu thereof: "**components**"

In which the concurrence of the House is respectfully requested.

Speaker Gaw assumed the Chair.

**THIRD READING OF SENATE BILLS**

**HCS SS SCS SB 165, as amended**, relating to economic development, was again taken up by Representative Rizzo.

Representative Lumpe offered House Amendment No. 26.

*House Amendment No. 26*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 47-50, Section 143.183, Line 1, by deleting all of said section.

On motion of Representative Lumpe, House Amendment No. 26 was adopted.

Representative Naeger offered House Amendment No. 27.

*House Amendment No. 27*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 24, Section 99.845, Line 116, by inserting after said line the following:

"8. Any municipality which is located within the boundaries of a redevelopment area as described in Section 99.805 of said act may impose a reasonable one time business license or permit fee, not to exceed the cost of issuance of said license or permit, to assure compliance of building codes of property built by businesses regulated by section 226.500 to 226.600 RSMo. If any municipality is located partially within or totally outside a redevelopment area as described in Section 99.805 of said act, said municipality may impose said one time business license or permit fee not to exceed five hundred dollars which shall cover said cost of compliance of building codes of property built by businesses regulated by section 226.500 to 226.600 RSMo. Local real estate taxes of said municipalities of said section may not exceed the rates charged for other commercial improvements on said businesses described in said section and said municipalities may not thereafter charge any further tax, business license, permit or inspection fee on property built by said businesses described in said section."

Representative Rizzo raised a point of order that House Amendment No. 27 goes beyond the scope of the bill.

Representative Farmer raised an additional point of order that House Amendment No. 27 is dilatory.

Representative Fitzwater raised an additional point of order that House Amendment No. 27 is amending previously amended material.

The Chair ruled the points of order not well taken.

Representative Naeger moved that House Amendment No. 27 be adopted.

Which motion was defeated by the following vote:

AYES: 075

Alter Ballard Barnett 4 Bartelsmeyer Bennett 15
Berkstresser Boatright Broach Burton Campbell
Champion Chrismer Cierpiot Clayton Cooper
Crawford DeMarce Edwards-Pavia Elliott Farnen
Foley Foster Gaskill Gaston Graham 106
Hartzler 124 Heckemeyer Hegeman Hendrickson Hohulin
Howerton Kasten Kelley 47 Kelly 27 Koller
Kreider Lawson Leake Legan Lograsso
Long Marble Mays 50 McBride Merideth
Miller Naeger O'Toole Overschmidt Parker
Patek Pouche Pryor Purgason Reinhart
Richardson Ridgeway Robirds Sallee Schwab
Scott Seigfreid Sheldon 104 Shields Steen
Summers Surface Tate Thomason 163 Townley
Vogel Wannenmacher Wiggins Williams 159 Wooten

NOES: 086

Akin Auer Backer Barry 100 Bauer
Bland Bonner Boucher Bray 84 Carter
Copeland Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days Dolan Donovan Dougherty
Enz Evans Farmer Fitzwater Ford
Franklin Fritts Froelker Gibbons Goward
Graham 24 Gratz Green Griesheimer Gross
Gunn Hall Harlan Hartzler 123 Hickey
Holand Hollingsworth Hoppe Hosmer Johnson
Kauffman Kennedy Kissell Lakin Levin
Liese Linton Loudon Luetkenhaus Lumpe
May 108 McClelland McLuckie Monaco Murphy
Murray Nordwald O'Connor Ostmann Ransdall
Relford Reynolds Rizzo Ross Scheve
Schilling Secrest Shear Shelton 57 Skaggs
Smith Stokan Stoll Stroker Thompson 37
Treadway Troupe Van Zandt Williams 121 Wilson
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 002

Hagan-Harrell Hand

Representative DeMarce offered House Amendment No. 28.

*House Amendment No. 28*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 42, Section 135.400(10), Line 42, by inserting after the word "activity" the following:

"**; or a cooperative marketing association organized pursuant to Chapter 274 RSMo which is engaged in the business of producing and marketing fuels derived from agricultural commodities and which will operate a facility which will create jobs**"

On motion of Representative DeMarce, House Amendment No. 28 was adopted.

Representative Hegeman offered House Amendment No. 29.

*House Amendment No. 29*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 8, by inserting after the number "178.895," the number "247.180,"; and

Further amend said bill, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "nineteen"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting after the number "178.895," the number "247.180,"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "nineteen"; and

Further amend said bill, Page 2, Section A, Line 13, by inserting after the number "238.240," the number "247.180,"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting the word and number "and 48" and inserting in lieu thereof the following: ", 48 and 49"; and

Further amend said bill, Page 75, Section 238.240, Line 16, by inserting after all of said line the following:

"247.180. 1. Regular elections **and elections held for the purposes of section 247.130** shall be held annually on the first Tuesday after the first Monday in June, or the election may be held in April at the same time as regular school elections. If authorized, such elections may be conducted by the appropriate election authority pursuant to sections 115.650 to 115.660, RSMo.

2. Notwithstanding any other provision of law, if the number of candidates is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected."; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"**Section 49. Notwithstanding the provisions of section 115.123, RSMo, to the contrary, any public water supply district formed pursuant to the provisions of sections 247.010 to 247.227, RSMo, for the purposes of holding a bond election, and any county, city, town or village may hold an election on the first Tuesday after the first**

**Monday in August, 1997.**".

Representative Hegeman moved that House Amendment No. 29 be adopted.

Which motion was defeated.

Representative Long offered House Amendment No. 30.

*House Amendment No. 30*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting the numbers "38, 39,"; and

Further amend said bill, Page 120, Section 38, Lines 1 through 9, by deleting all of said section; and

Further amend said bill, Pages 120 and 121, Section 39, Line 1 through 13, by deleting all of said section.

Representative Mays (50) offered House Substitute Amendment No. 1 for House Amendment No. 30.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 30*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 120, Section 38, Line 3, by inserting after the word "utility" the following: "serving any portion of a city with a population of at least 400,000"; and

Further amend said section by adding at the end of line 9, the following:

"Any such program may cover customers of the utility who reside outside such city."

On motion of Representative Mays (50), House Substitute Amendment No. 1 for House Amendment No. 30 was adopted by the following vote:

AYES: 081

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Campbell Carter Cierpiot

Clayton Copeland Crump Daniel 42 Daniels 41

Davis 122 Days DeMarce Donovan Farmer

Farnen Foley Ford Franklin Fritts

Goward Graham 24 Green Gunn Hagan-Harrell

Harlan Heckemeyer Hickey Holand Hollingsworth

Hoppe Hosmer Johnson Kelly 27 Kennedy
Kissell Koller Lakin Lawson Leake
Liese Lumpe May 108 Mays 50 McBride
McClelland McLuckie Monaco Murray O'Connor
Ostmann Parker Ransdall Relford Reynolds
Rizzo Scheve Schilling Seigfreid Shear
Sheldon 104 Shelton 57 Skaggs Smith Stokan
Stoll Stroker Summers Thomason 163 Thompson 37
Van Zandt Wiggins Williams 121 Williams 159 Wilson
Mr. Speaker

NOES: 074

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cooper Crawford Dolan
Edwards-Pavia Elliott Enz Evans Foster
Froelker Gaskill Gaston Gibbons Graham 106
Gratz Griesheimer Gross Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Howerton
Kasten Kauffman Kelley 47 Kreider Legan
Levin Linton Lograsso Long Loudon
Luetkenhaus Marble Merideth Miller Murphy
Naeger Nordwald O'Toole Overschmidt Patek
Pouche Pryor Purgason Reinhart Richardson
Ridgeway Robirds Ross Sallee Schwab
Scott Secrest Shields Steen Surface
Tate Troupe Vogel Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Davis 63 Dougherty Fitzwater Hand
Townley Treadway Wannenmacher

Representative Carter offered House Amendment No. 31.

Representative Legan raised a point of order that House Amendment No. 31 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Pro Tem Kreider assumed the Chair.

Representative Carter offered House Amendment No. 31.

*House Amendment No. 31*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 1, In the Title, Line 10, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 2, Section A, Line 8, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 2, Section A, Line 17, by deleting the word and number "and 48" and inserting in lieu thereof the following: ", 48 and 49"; and

Further amend said bill, Page 124, Section 48, Line 1, by inserting after all of said line the following:

"**Section 48. 1. The department of economic development, in conjunction with the public service commission, shall study the feasibility and the potential effect of allowing regulated utilities to engage in the sale or maintenance of energy consuming equipment or appliances, and shall report their findings to the general assembly by December 31, 1997. The study shall include, but not be limited to, the economic effect on small independent businesses.** ".

Representative Ostmann offered House Amendment No. 1 to House Amendment No. 31.

*House Amendment No. 1*

*to*

*House Amendment No. 31*

AMEND House Amendment No. 31 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 2, Section 48, by adding at the end of subsection 1, the following:

"Any cost incurred in conducting such study shall not be assessed in accordance with section 386.370, RSMo, but shall be paid for by general revenue funds."

Representative Carter raised a point of order that House Amendment No. 1 to House Amendment No. 31 is in the third degree.

The Chair ruled the point of order not well taken.

Representative Ostmann moved that House Amendment No. 1 to House Amendment No. 31 be adopted.

Which motion was defeated.

On motion of Representative Carter, House Amendment No. 31 was adopted by the following vote:

AYES: 088

Alter Auer Backer Ballard Barry 100

Bauer Bennett 15 Bland Boatright Bonner

Bray 84 Broach Campbell Carter Chrismer

Crawford Crump Davis 63 Days DeMarce
Dolan Dougherty Edwards-Pavia Enz Farmer
Fitzwater Foley Foster Froelker Graham 24
Graham 106 Gratz Green Griesheimer Hall
Harlan Heckemeyer Hickey Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kennedy Kissell Kreider Lakin Levin
Luetkenhaus May 108 McBride McLuckie Merideth
Monaco Murphy Murray O'Connor O'Toole
Overschmidt Parker Pryor Ransdall Relford
Richardson Rizzo Robirds Sallee Scheve
Schilling Schwab Scott Seigfreid Shear
Smith Stokan Stoll Stroker Thomason 163
Thompson 37 Troupe Van Zandt Vogel Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 060

Akin Barnett 4 Berkstresser Boucher Burton
Champion Clayton Cooper Copeland Daniel 42
Davis 122 Elliott Evans Farnen Ford
Franklin Fritts Gaskill Gaston Gibbons
Goward Gross Gunn Hartzler 123 Hartzler 124
Hegeman Hohulin Kauffman Kelley 47 Kelly 27
Koller Lawson Leake Legan Lograsso
Marble Mays 50 McClelland Miller Nordwald
Ostmann Patek Pouche Purgason Reinhart
Reynolds Ridgeway Secrest Sheldon 104 Shields
Skaggs Steen Summers Surface Tate
Townley Treadway Wannenmacher Wiggins Wooten

PRESENT: 003

Donovan Hendrickson Linton

ABSENT WITH LEAVE: 012

Bartelsmeyer Cierpiot Daniels 41 Hagan-Harrell Hand
Liese Long Loudon Lumpe Naeger
Ross Shelton 57

Representative McBride offered House Amendment No. 32.

Representative Shields raised a point of order that House Amendment No. 32 is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Skaggs offered House Amendment No. 32.

Representative Rizzo raised a point of order that House Amendment No. 32 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Monaco offered House Amendment No. 32.

*House Amendment No. 32*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Section 290.502, Page 76, Lines 4-7, by deleting all of said lines, and inserting in lieu thereof the following:

"jobs in interstate commerce."

Amend title and enacting clause accordingly.

On motion of Representative Monaco, House Amendment No. 32 was adopted.

Representative Froelker offered House Amendment No. 33.

*House Amendment No. 33*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 48, Line 1, by inserting after said line the following:

"**Section 49. The provisions of sections 45, 46, 47 and 48 of this act shall expire on December 31, 2000.**"; and

Further amend the title and enacting clause accordingly.

Representative Froelker moved that House Amendment No. 33 be adopted.

Which motion was defeated.

Representative Daniels (41) offered House Amendment No. 34.

*House Amendment No. 34*

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 124, Section 48, Line 9, by inserting immediately after said line all of the following new sections:

**Section 49. 1. Sections 49 to 52 of this act shall be known as the "Workfare Renovation Project". Subject to participation by qualifying cities, the Missouri housing development commission shall establish a two-year pilot project in each of the two cities defined in section 50 of this act which shall provide for the renovation of inner city property for subsequent purchase pursuant to the provisions of sections 45 to 48 of this act.**

**Section 50. As used in sections 45 to 48 of this act, the following terms mean:**

**(1) "Agency", the participating city's administering agency of the workfare renovation project;**

**(2) "City", any city not within a county or any city with at least three hundred fifty thousand inhabitants which is located in more than one county;**

**(3) "Commission", the state housing development commission authorized pursuant to sections 215.010 to 215.250, RSMo;**

**(4) "Federal poverty level", the first poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;**

**(5) "Low income", a household income which does not exceed two hundred percent of the federal poverty level;**

**(6) "Project", the renovation of one or more inner city properties which have been determined to be of substandard quality or condition and the subsequent sale of such property following renovation;**

**(7) "Renovate" or "renovation", the reconstruction, remodeling, repairing, weatherizing, installation of energy conservation measures or devices, and similar work necessary to make an inner city property safe, sanitary and decent, and make such property meet the minimum building code requirements and occupancy requirements of a city, as the term city is defined in this section.**

**Section 51. 1. The workfare renovation project shall have the following goals:**

**(1) To assist low income individuals in learning a trade by providing them with an opportunity to participate in the renovation of inner city property; and**

**(2) To create tax producing property for the participating cities out of existing inner city property.**

**2. The governing body of any city defined in section 46 of this act, by enacting the appropriate ordinances, may participate in the workfare renovation project by donating existing inner city property to the project, submitting a plan for renovation in the city to the commission and establishing an agency to administer the project in such city pursuant to any authority delegated to such agency by the commission.**

**3. The commission may:**

**(1) Receive, hold and convey title to real estate on the workfare renovation project carried out by the participating city and receive and use for the purposes described in sections 45 to 48 of this act any grants or loans made by the commission pursuant to section 215.035 or 215.050, RSMo;**

**(2) Approve all proposed inner city property for renovation;**

**(3) Approve the workers who will perform the renovation and reconstruction work. The workers, to be selected from the local labor force, shall be capable of performing the work for which they will be hired, and shall be, as far as practicable, persons who are classified as low income or receiving public assistance and who are indigenous to the areas which are selected for renovation activity;**

**(4) Contract and be contracted with;**

**(5) Seek such legal and other professional and staff assistance deemed necessary to carry out the purposes of sections 45 to 48 of this act including, but not limited to, the community development corporation of Kansas City;**

**(6) Sell the properties renovated, but such sales shall be subject to the following requirements;**

**(a) All properties sold shall be sold at cost to persons who qualify for low income housing ownership benefits pursuant to federal or state law, or both, as determined annually by the Missouri housing development commission;**

**(b) Each property shall be sold only to a person who will be the actual owner of record of the property and will actually occupy the property for a period of not less than five years; and**

**(c) Each property shall be sold at a price which will allow the commission to recover all costs incurred by it in renovating and selling such property, including, but not limited to, the labor, materials and other renovation expenses;**

**(7) Do all other things necessary to implement and administer the residential renovation program authorized by sections 49 to 52 of this act;**

**(8) Utilize all appropriate tax credit and wage diversion programs offered through state departments to assist low-income residents of this state in becoming self-sufficient through the workfare renovation project.**

**Section 52. Properties selected for renovation pursuant to the provisions of sections 49 to 52 of this act shall be located in those areas of the inner city which are in the greatest need of neighborhood rehabilitation. Each administering agency shall make a plan or plans, available to the public, to carry out the purposes of this section. In making the plan or plans required by this section, each agency shall hold public hearings at reasonable times and places from which to obtain community input in order to assess the impact of any proposed plan on any neighborhood involved and to assist them in determining which neighborhood or neighborhoods shall be given the highest priority. The factors which the agency may consider, among all other relevant considerations, are:**

**(1) The number of properties owned by the city in a neighborhood which could be renovated; and**

**(2) The prior commitment of private developers to the area selected or adjacent areas for purposes of assuring that purchasers of such property can obtain financing and insurance.**

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Daniels (41), House Amendment No. 34 was adopted.

Representative Reinhart offered House Amendment No. 35.

Representative Treadway raised a point of order that House Amendment No. 35 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Dolan offered House Amendment No. 35.

*House Amendment No. 35*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, by inserting immediately after all of said line, the following:

"**Section 1. The Director of the Department of Economic Development shall notify all businesses affected by Section 172.273, RSMo, in any county of the first classification with a population of at least two hundred thousand inhabitants that adjoins a county of the first classification with a population of at least nine hundred thousand inhabitants that the provisions of subsections 3 and 8 of section 172.273, RSMo, shall expire January 1, 1999 and said subsections shall expire on January 1, 1999.**"; and

Further amend the title and enacting clause accordingly.

Representative Dolan moved that House Amendment No. 35 be adopted.

Which motion was defeated by the following vote:

AYES: 066

Akin Alter Ballard Barnett 4 Bennett 15
Berkstresser Boatright Broach Chrismer Crawford
Dolan Elliott Enz Evans Farmer
Froelker Gaskill Gaston Gibbons Graham 106
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Holand Hosmer
Howerton Kasten Kauffman Kelley 47 Kissell
Levin Linton Lograsso Long Loudon
Luetkenhaus Marble McClelland Merideth Miller
Murphy Nordwald Ostmann Patek Pryor
Purgason Richardson Robirds Ross Scott
Secrest Sheldon 104 Shields Steen Stroker
Summers Surface Tate Thomason 163 Townley
Vogel

NOES: 086

Auer Backer Barry 100 Bartelsmeyer Bauer
Bland Bonner Boucher Bray 84 Burton
Campbell Carter Champion Clayton Cooper
Copeland Crump Davis 63 Davis 122 Days
DeMarce Dougherty Edwards-Pavia Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Goward Graham 24 Gratz Green Gunn
Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth
Hoppe Johnson Kelly 27 Kennedy Koller
Kreider Lakin Lawson Leake Lumpe
May 108 Mays 50 McBride McLuckie Murray
Naeger O'Connor O'Toole Overschmidt Parker
Pouche Ransdall Relford Reynolds Rizzo
Scheve Schilling Schwab Seigfreid Shear
Shelton 57 Skaggs Smith Stokan Stoll
Thompson 37 Treadway Troupe Van Zandt Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Cierpiot Daniel 42 Daniels 41 Donovan Hand

Legan Liese Monaco Reinhart Ridgeway

Sallee

On motion of Representative Rizzo, **HCS SS SCS SB 165, as amended,** was adopted.

On motion of Representative Rizzo, **HCS SS SCS SB 165, as amended,** was read the third time and passed by the following vote:

AYES: 134

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Campbell Carter Champion Clayton

Cooper Copeland Crawford Crump Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaston Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hickey Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Levin Long Luetkenhaus Lumpe May 108

Mays 50 McBride McClelland McLuckie Merideth

Monaco Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Rizzo Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 022

Akin Chrismer Cierpiot Enz Evans

Gaskill Hall Hendrickson Hohulin Legan

Linton Loudon Marble Miller Murphy

Patek Richardson Ridgeway Robirds Scott

Sheldon 104 Townley

PRESENT: 000

ABSENT WITH LEAVE: 007

Burton Daniel 42 Daniels 41 Farmer Hand

Liese Lograsso

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative DeMarce moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**HCS SS SB 208**, relating to military benefits and other scholarships, was again taken up by Representative Scheve.

Representative Lograsso offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 12, Section 1, Line 17, by adding immediately after said line:

Section 2. Any rule or portion of a rule promulgated pursuant to this bill shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

On motion of Representative Lograsso, House Amendment No. 2 was adopted.

Representative Smith offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 1, In the Title, Line 3, by inserting after the number "1996," the following: "and sections 376.1399 and 536.028 of senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eight-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly,"; and

Further amend said bill, Page 12, Section 1, Line 17, by inserting after all of said line the following:

"Section B. Sections 376.1399 and 536.028 from senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly and section 14 from senate amendment no. 26 to senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 335 as truly agreed to and finally passed by the first regular session of the eighty-ninth general assembly are repealed.

[376.1399. 1. The director may, after notice and hearing, promulgated reasonable rules to carry out the provisions of sections 376.1350 to 376.1390. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 376.1350 to 376.1390.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 376.1350 to 376.1390 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 376.1350 to 376.1390 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

[536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.

2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.

3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may

hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.

4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.

5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.

6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:

(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and

(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:

(a) An absence of statutory authority for the proposed rule;

(b) The proposed rule is in conflict with state law;

(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;

(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;

(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;

(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.

7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.

8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.

9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.

10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as

soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.

11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.

12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.

13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.]

[Section 14. 1. The director may, after notice and hearing, promulgate reasonable rules to carry out the provisions of sections 1 to 11. The director shall have the authority to promulgate rules to accomplish the following purposes:

(1) To regulate the internal affairs of the department of insurance;

(2) To prescribe forms and procedures to be followed in proceedings before the department of insurance; and

(3) To effectuate or aid in the interpretation of any law of this state pertaining to the subject matters of sections 1 to 11.

2. Any rule that has the effect of creating or substantially modifying a legal right, liability, obligation or sanction shall be considered substantive. The director may only promulgate substantive rules on subject matters specifically authorized pursuant to sections 1 to 11 and any substantive rule or portion of a rule shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All such substantive rules and all substantive rulemaking authority granted pursuant to sections 1 to 11 shall expire on August 31, 1998. Any act by the general assembly that serves to extend or postpone the expiration of any rule or rulemaking authority shall not constitute legislative approval of the rule or authority nor be admissible in any court as evidence of legislative intent. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date or to disapprove and annul a rule, or portion of a rule, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]".

On motion of Representative Smith, House Amendment No. 3 was adopted.

Representative Shields offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 12, Section 1.1, Line 17, by adding one new section after said line:

160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable district-wide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. Within the amount appropriated for the program, in addition to the grants to public schools authorized by subsections 1 to 3 of this section, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to **Missouri Western State College or Missouri Southern State College for the purpose of obtaining an associate's degree or** any public community college or vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

6. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

**7. The grants authorized in subsection 5 of this section for the purpose of reimbursement of the cost of books, tuition, and fees to Missouri Western State College and Missouri Southern State College shall not exceed the average community college tuition in the state as determined by the coordinating Board of Higher Education.**

And further amend said bill, by amending the title and enacting clause accordingly.

Representative Shields moved that House Amendment No. 4 be adopted.

Which motion was defeated by the following vote:

AYES: 071

Akin Alter Barnett 4 Bartelsmeyer Bauer

Bennett 15 Berkstresser Boatright Broach Burton

Champion Chrismer Cierpiot Crawford Donovan

Edwards-Pavia Elliott Enz Foster Froelker

Gaston Gibbons Gross Hall Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Kasten Kelley 47 Kelly 27 Kreider Lawson

Legan Levin Linton Lograsso Loudon

Luetkenhaus Marble McClelland McLuckie Merideth

Miller Monaco Murphy Naeger Nordwald

Ostmann Patek Pouche Pryor Purgason

Reinhart Richardson Ridgeway Sallee Schwab

Scott Secrest Seigfreid Shelton 57 Shields

Steen Summers Surface Townley Vogel

Wannenmacher

NOES: 086

Auer Backer Ballard Barry 100 Bland

Bonner Boucher Bray 84 Campbell Carter

Clayton Cooper Copeland Crump Daniel 42

Daniels 41 Davis 122 Days DeMarce Dolan

Dougherty Evans Farmer Farnen Fitzwater

Foley Ford Franklin Fritts Gaskill

Goward Graham 24 Graham 106 Gratz Green

Gunn Hagan-Harrell Harlan Hartzler 123 Heckemeyer

Hickey Hollingsworth Hoppe Hosmer Johnson

Kauffman Kennedy Kissell Koller Lakin

Leake Long Lumpe May 108 Mays 50

McBride Murray O'Connor O'Toole Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Robirds Ross Scheve Schilling Shear

Sheldon 104 Skaggs Smith Stokan Stroker

Tate Thompson 37 Treadway Troupe Van Zandt

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Davis 63 Griesheimer Hand Liese Stoll

Thomason 163

Representative Froelker offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 10, Section 173.740, Line 107, by inserting after all of said line the following:

"**9. Other provisions of law to the contrary notwithstanding, no public eligible institution of postsecondary education may increase tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri Constitution. No student shall claim, or have claimed on the student's behalf, a challenge scholarship for postsecondary credit hours earned at a public eligible institution of postsecondary education if that institution has increased tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri Constitution.**".

Representative Bennett requested a division of the question.

*House Amendment No. 5*

PART I

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 208, Page 10, Section 173.740, Line 107, by inserting after all of said line the following:

"**9. Other provisions of law to the contrary notwithstanding, no public eligible institution of postsecondary education may increase tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri Constitution.**

PART II

**No student shall claim, or have claimed on the student's behalf, a challenge scholarship for postsecondary credit hours earned at a public eligible institution of postsecondary education if that institution has increased tuition or fees for any undergraduate program for the current year, as compared to the previous year, by more than the annual increase in general price level, as defined in article X, section 17 of the Missouri Constitution.**".

Representative Froelker moved that Part I of House Amendment No. 5 be adopted.

Which motion was defeated by the following vote:

AYES: 058

Akin Alter Backer Ballard Barnett 4

Bartelsmeyer Bennett 15 Berkstresser Boatright Champion

Chrismer Cierpiot Cooper Crawford Edwards-Pavia

Elliott Enz Evans Farmer Foster

Froelker Gaston Gibbons Graham 106 Gross

Hall Hartzler 124 Hendrickson Hohulin Holand

Howerton Kelley 47 Legan Levin Linton

Lograsso Loudon Marble Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Scott Secrest Shields Steen Surface

Townley Treadway Vogel

NOES: 100

Auer Barry 100 Bauer Bland Bonner

Boucher Bray 84 Broach Burton Campbell

Carter Clayton Copeland Crump Daniel 42

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Farnen Fitzwater Foley

Ford Franklin Fritts Gaskill Goward

Gratz Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hegeman Hickey

Hollingsworth Hoppe Hosmer Johnson Kasten

Kauffman Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Luetkenhaus

Lumpe May 108 Mays 50 McBride McClelland

McLuckie Merideth Monaco Murray O'Connor

O'Toole Overschmidt Parker Ransdall Relford

Reynolds Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Seigfreid Shear

Sheldon 104 Shelton 57 Skaggs Smith Stokan

Stoll Stroker Summers Tate Thomason 163

Thompson 37 Troupe Van Zandt Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 005

Daniels 41 Graham 24 Hand Liese Long

Part II of House Amendment No. 5 was withdrawn.

Representative Bennett offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Subsitute for Senate Substitute for Senate Bill No. 208, Page 5, Section 42.135, Line 35, by inserting after all of said line, the following:

"173.005. 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by this act.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator at the time appointed or during his term. The other qualifications, terms and compensation of the coordinating board shall be the same as provided by law for the curators of the University of Missouri. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

(1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;

(2) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of this act notwithstanding, all funds shall be

appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;

(3) No new state supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;

(4) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;

(5) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;

(6) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state;

(7) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;

(8) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds for which the coordinating board is responsible for administering; and

(9) If any **public** institution of higher education in this state[, public or private,] willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an "approved institution" within the meaning of section 173.205, but nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of twenty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state supported four-year college or university, including Harris-Stowe State College, Missouri Southern State College, Missouri Western State College, and Lincoln University; three representative public junior college presidents, selected by the public junior college presidents each biennium and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported junior college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state governed colleges and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to junior college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with junior college districts and matters pertaining to junior colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by

type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval."; and

Further amend the title and enacting clause accordingly.

Representative Bennett moved that House Amendment No. 6 be adopted.

Which motion was defeated by the following vote:

AYES: 044

Akin Ballard Barnett 4 Bennett 15 Berkstresser

Boatright Broach Chrismer Cierpiot Crawford

Edwards-Pavia Enz Foster Froelker Gaston

Gibbons Gross Hall Hartzler 124 Hegeman

Hendrickson Holand Howerton Kasten Kelley 47

Levin Linton Loudon Miller Murphy

Naeger Ostmann Patek Pouche Reinhart

Richardson Ridgeway Robirds Scott Secrest

Shields Steen Summers Vogel

NOES: 109

Alter Auer Barry 100 Bartelsmeyer Bauer

Bland Bonner Boucher Bray 84 Burton

Campbell Carter Clayton Cooper Copeland

Crump Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Elliott Evans

Farnen Fitzwater Foley Ford Franklin

Fritts Gaskill Goward Graham 24 Graham 106

Gratz Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Heckemeyer Hickey Hohulin

Hollingsworth Hoppe Johnson Kauffman Kelly 27

Kennedy Koller Kreider Lakin Lawson

Leake Legan Long Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Monaco Murray Nordwald

O'Connor O'Toole Overschmidt Parker Pryor

Purgason Ransdall Relford Reynolds Rizzo

Ross Sallee Scheve Schilling Schwab

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Stokan Stoll Stroker Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

PRESENT: 001

Champion

ABSENT WITH LEAVE: 009

Backer Daniel 42 Daniels 41 Farmer Hand

Hosmer Kissell Liese Lograsso

On motion of Representative Scheve, **HCS SS SB 208, as amended,** was adopted.

On motion of Representative Scheve, **HCS SS SB 208, as amended,** was read the third time and passed by the following vote:

AYES: 128

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Copeland Crawford Crump Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Farmer Farnen Fitzwater Foley Ford

Franklin Fritts Froelker Gaskill Gaston

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gunn Hagan-Harrell Harlan Hartzler 123

Heckemeyer Hegeman Hickey Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelly 27
Kennedy Koller Kreider Lakin Lawson
Leake Levin Long Luetkenhaus Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Monaco Murray Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Pouche Ransdall Reinhart Relford Reynolds
Ridgeway Ross Sallee Scheve Schilling
Schwab Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Stokan
Stoll Stroker Summers Surface Tate
Thomason 163 Thompson 37 Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 029

Akin Ballard Boatright Chrismer Evans
Foster Gibbons Gross Hall Hartzler 124
Hohulin Holand Howerton Kelley 47 Legan
Linton Lograsso Loudon Miller Murphy
Naeger Patek Pryor Purgason Richardson
Robirds Scott Steen Townley

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 005

Daniel 42 Hand Kissell Liese Rizzo

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Tate moved that the vote by which the bill passed be reconsidered.

Representative Stokan moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

**HCS SCS SB 79**, relating to industrial hemp research act, was taken up by Representative Thomason (163).

Representative Thomason (163) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 1, Section 195.202, Line 4, by deleting the number "**265.705**" and inserting in lieu thereof the number "**265.710**"; and

Further amend said bill, Page 1, Section 195.202, Line 7, by deleting the number "**265.705**" and inserting in lieu thereof the number "**265.710**"; and

Further amend said bill, Page 2, Section 195.211, Line 6, by deleting the number "**265.705**" and inserting in lieu thereof the number "**265.710**"; and

Further amend said bill, Page 2, Section 195.211, Line 9, by deleting the number "**265.705**" and inserting in lieu thereof the number "**265.710**".

On motion of Representative Thomason (163), House Amendment No. 1 was adopted.

Representative Legan offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 2, Section 265.715, Line 1, by deleting section 265.715, and

Further amend said bill, Page 3, Section 265.720, by deleting all of section 265.720; and

Further amend said bill, Page 2, Section 265.730, Line 6, by deleting the following:

"for licensure pursuant to section 265.715"

Representative Stokan offered House Substitute Amendment No. 1 for House Amendment No. 2.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 2, Section 265.715, Line 6, by deleting the following line by placing an opening bracket before the word "unless" and a closing bracket after the word "assembly."

Representative Stokan moved that House Substitute Amendment No. 1 for House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Legan offered House Amendment No. 1 to House Amendment No. 2.

*House Amendment No. 1*

*to*

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 3, Section 265.725, Line 6, by inserting the following after the word "**findings**" in said line:

"conducted at the University of Missouri agriculture experiment station and such other state-supported institutions of higher education that are engaged in alternative crop research".

On motion of Representative Legan, House Amendment No. 1 to House Amendment No. 2 was adopted.

On motion of Representative Legan, House Amendment No. 2, as amended, was adopted.

Representative Clayton offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 1, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following: "To repeal sections 195.010, 195.040, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400, 195.410, 195.420 and 542.301, RSMo 1994, and sections 195.017, 195.030 and 570.030, RSMo Supp. 1996, relating to controlled substances, and to enact in lieu thereof thirty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections."; and

Further amend said bill, Page 44, Section 1, Line 11, by inserting after all of said line the following:

"Section B. Sections 195.010, 195.040, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400, 195.410, 195.420 and 542.301, RSMo 1994, and sections 195.017, 195.030 and 570.030, RSMo Supp. 1996, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.020, 195.030, 195.040, 195.045, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.224, 195.400, 195.410, 195.420, 490.730, 542.301 and 570.030, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) ["Apothecary", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state;

(5)] "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

[(6) "Bureau", the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency;

(7)] **(5)** "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in this sections 195.005 to 195.425;

[(8)] **(6)** "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

[(9)] **(7)** "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

[(10)] **(8)** "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

[(11)] **(9)** "Dentist", a person authorized by law to practice dentistry in this state;

[(12)] **(10)** "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

[(13)] **(11)** "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

[(14)] **(12)** "Distribute", to deliver other than by administering or dispensing a controlled substance;

[(15)] **(13)** "Distributor", a person who distributes;

[(16)] **(14)** "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

**(15) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;**

[(17)] **(16)** "Drug dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

[(18)] **(17)** "Drug paraphernalia", all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

(c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;

(d) The proximity of the object to controlled substances or imitation controlled substances;

(e) The existence of any residue of controlled substances or imitation controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National or local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use;

[(19)] **(18)** "Federal narcotic laws", the laws of the United States relating to controlled substances;

[(20)] **(19)** "Hospital", [a place or institution devoted primarily to the purpose of providing facilities for the diagnosis, care or treatment of sick, injured, or handicapped individuals and licensed by the department of health of Missouri in keeping with the requirements of the "Hospital Licensing Law"] **a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. "Hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo**;

[(21)] **(20)** "Immediate precursor", a substance which:

(a) The state department of health has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

[(22)] **(21)** "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the

substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell.

An imitation controlled substance does not include a noncontrolled substance that was initially introduced in commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate. Furthermore, an imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

[(23) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(24)] **(22)** "Laboratory", a laboratory approved by the department of health as proper to be entrusted with the custody of controlled substances but does not include an apothecary who compounds controlled substances to be sold or dispensed on prescriptions;

[(25)] **(23)** "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or

(b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

[(26)] **(24)** "Marijuana", all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

[(27)] **(25)** "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of

extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(28)] **(26)** "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health;

[(29)] **(27)** "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(30)] **(28)** "Opium poppy", the plant of the species Papaver somniferum L., except its seeds;

[(31)] **(29)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

**(30) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege, that is not granted to such person by the pharmacy laws of this state;**

[(32)] **(31)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

[(33)] **(32)** "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and illegal nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(34)] **(33)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(35)] **(34)** "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(36)] **(35)** "Registry number", the number assigned to each person registered under the federal controlled

substances laws;

[(37)] **(36)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(38)] **(37)** "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(39)] **(38)** "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

[(40)] **(39)** "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

195.017. 1. The department of health shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

(e) Alphameprodine;

(f) Alphamethadol;

(g) Alpha-methylfentanyl;

(h) Alpha-methylthiofentanyl;

(i) Benzethidine;

(j) Betacetylmethadol;

(k) Beta-hydroxyfentanyl;

(l) Beta-hydroxy-3-methylfentanyl;

(m) Betameprodine;

(n) Betamethadol;

(o) Betaprodine;

(p) Clonitazene;

(q) Dextromoramide;

(r) Diampromide;

(s) Diethylthiambutene;

(t) Difenoxin;

(u) Dimenoxadol;

(v) Dimepheptanol;

(w) Dimethylthiambutene;

(x) Dioxaphetyl butyrate;

(y) Dipipanone;

(z) Ethylmethylthiambutene;

(aa) Etonitazene;

(bb) Etoxeridine;

(cc) Furethidine;

(dd) Hydroxypethidine;

(ee) Ketobemidone;

(ff) Levomoramide;

(gg) Levophenacylmorphan;

(hh) 3-Methylfentanyl;

(ii) 3-Methylthiofentanyl;

(jj) Morpheridine;

(kk) MPPP;

(ll) Noracymethadol;

(mm) Norlevorphanol;

(nn) Normethadone;

(oo) Norpipanone;

(pp) Para-fluorofentanyl;

(qq) PEPAP;

(rr) Phenadoxone;

(ss) Phenampromide;

(tt) Phenomorphan;

(uu) Phenoperidine;

(vv) Piritramide;

(ww) Proheptazine;

(xx) Properidine;

(yy) Propiram;

(zz) Racemoramide;

(aaa) Thiofentanyl;

(bbb) Tilidine;

(ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Acetorphine;

(b) Acetyldihydrocodeine;

(c) Benzylmorphine;

(d) Codeine methylbromide;

(e) Codeine-N-Oxide;

(f) Cyprenorphine;

(g) Desomorphine;

(h) Dihydromorphine;

(i) Drotebanol;

(j) Etorphine; (except Hydrochloride Salt);

(k) Heroin;

(l) Hydromorphinol;

(m) Methyldesorphine;

(n) Methyldihydromorphine;

(o) Morphine methylbromide;

(p) Morphine methylsulfonate;

(q) Morphine-N-Oxide;

(r) Myrophine;

(s) Nicocodeine;

(t) Nicomorphine;

(u) Normorphine;

(v) Pholcodine;

(w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) **Alpha-ethyltryptamine;**

**(b)** 4-bromo-2,5-dimethoxyamphetamine;

**(c) 4-bromo-2,5-dimethoxyphenethylamine;**

[(b)] **(d)** 2,5-dimethoxyamphetamine;

[(c)] **(e)** 2,5-dimethoxy-4-ethylamphetamine;

[(d)] **(f)** 4-methoxyamphetamine;

[(e)] **(g)** 5-methoxy-3,4-methylenedioxyamphetamine;

[(f)] **(h)** 4-methyl-2,5-dimethoxyamphetamine;

[(g)] **(i)** 3,4-methylenedioxyamphetamine;

[(h)] **(j)** 3,4-methylenedioxymethamphetamine;

[(i)] **(k)** 3,4-methylenedioxy-N-ethylamphetamine;

[(j)] **(l)** N-hydroxy-3, 4-methylenedioxyamphetamine;

[(k)] **(m)** 3,4,5-trimethoxyamphetamine;

[(l)] **(n)** Bufotenine;

[(m)] **(o)** Diethyltryptamine;

[(n)] **(p)** Dimethyltryptamine;

[(o)] **(q)** Ibogaine;

[(p)] **(r)** Lysergic acid diethylamide;

[(q)] **(s)** Marijuana; (Marihuana);

[(r)] **(t)** Mescaline;

[(s)] **(u)** Parahexyl;

[(t)] **(v)** Peyote, to include all parts of the plant presently classified botanically as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

[(u)] **(w)** N-ethyl-3-piperidyl benzilate;

[(v)] **(x)** N-methyl-3-piperidyl benzilate;

[(w)] **(y)** Psilocybin;

[(x)] **(z)** Psilocyn;

[(y)] **(aa)** Tetrahydrocannabinols;

[(z)] **(bb)** Ethylamine analog of phencyclidine;

[(aa)] **(cc)** Pyrrolidine analog of phencyclidine;

[(bb)] **(dd)** Thiophene analog of phencyclidine;

[(cc)] **(ee)** 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone;

(b) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) **Aminorex;**

**(b)** Cathinone;

[(b)] **(c)** Fenethylline;

**(d) Methcathinone;**

[(c)] **(e)** (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

[(d)] **(f)** N-ethylamphetamine;

[(e)] **(g)** N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers[;

(c) Methcathinone, which may also be known as: 2-methylamino-1-phenylpropan 1-one; ephedrone; monomethylpropion UR 1431, its salts, optical isomers and salts of optical isomers;

(d) Aminorex, which may also be known as: aminoxaphen, 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine, its salts, optical isomers and salts of optical isomers;

(e) Alphaethyltryptamine, its optical isomers, salts and salts of isomers, which may also be known as: etryptamine; Alphaethyl-1 H-indole-3-ethanamine; 3-(2-aminobutyl) indole].

3. The department of health shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. Ethylmorphine;

i. Etorphine hydrochloride;

j. Hydrocodone;

k. Hydromorphone;

l. Metopon;

m. Morphine;

n. Oxycodone;

o. Oxymorphone;

p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(a) Alfentanil;

(b) Alphaprodine;

(c) Anileridine;

(d) Bezitramide;

(e) Bulk Dextropropoxyphene;

(f) Carfentanil;

(g) Butyl nitrite;

(h) Dihydrocodeine;

(i) Diphenoxylate;

(j) Fentanyl;

(k) Isomethadone;

(l) Levo-alphacetylmethadol;

(m) Levomethorphan;

(n) Levorphanol;

(o) Metazocine;

(p) Methadone;

(q) Meperidine;

(r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

(s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

(t) Pethidine;

(u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperdine-4-carboxylic acid;

(x) Phenazocine;

(y) Piminodine;

(z) Racemethorphan;

(aa) Racemorphan;

(bb) Sulfentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) Methamphetamine, its salts, isomers, and salts of its isomers;

(c) Phenmetrazine and its salts;

(d) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Amobarbital;

(b) Glutethimide;

(c) Pentobarbital;

(d) Phencyclidine;

(e) Secobarbital;

(5) Any material, compound or compound which contains any quantity of the following substances:

(a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

(b) Nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

(b) Immediate precursors to phencyclidine (PCP):

a. 1-phenylcyclohexylamine;

b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health shall place a substance in Schedule III if it finds that:

(1) The substance has a potential for abuse less than the substances listed in Schedules I and II;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Benzphetamine;

(b) Chlorphentermine;

(c) Clortermine;

(d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Lysergic acid;

(f) Lysergic acid amide;

(g) Methyprylon;

(h) Sulfondiethylmethane;

(i) Sulfonethylmethane;

(j) Sulfonmethane;

(k) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

(a) Boldenone;

(b) Chlorotestosterone (4-Chlortestosterone);

(c) Clostebol;

(d) Dehydrochlormethyltestosterone;

(e) Dihydrostestosterone (4-Dihydrotestosterone);

(f) Drostanolone;

(g) Ethylestrenol;

(h) Fluoxymesterone;

(i) Formebulone (Formebolone);

(j) Mesterolone;

(k) Methandienone;

(l) Methandranone;

(m) Methandriol;

(n) Methandrostenolone;

(o) Methenolone;

(p) Methyltestosterone;

(q) Mibolerone;

(r) Nandrolone;

(s) Norethandrolone;

(t) Oxandrolone;

(u) Oxymesterone;

(v) Oxymetholone;

(w) Stanolone;

(x) Stanozolol;

(y) Testolactone;

(z) Testosterone;

(aa) Trenbolone;

(bb) Any salt, ester, or isomer of a drug or substance described or listed in this subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for that administration.

(6) The department of health may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbital;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Estazolam;

(p) Ethchlorvynol;

(q) Ethinamate;

(r) Ethyl loflazepate;

(s) Fludiazepam;

(t) Flunitrazepam;

(u) Flurazepam;

(v) Halazepam;

(w) Haloxazolam;

(x) Ketazolam;

(y) Loprazolam;

(z) Lorazepam;

(aa) Lormetazepam;

(bb) Mebutamate;

(cc) Medazepam;

(dd) Meprobamate;

(ee) Methohexital;

(ff) Methylphenobarbital;

(gg) Midazolam;

(hh) Nimetazepam;

(ii) Nitrazepam;

(jj) Nordiazepam;

(kk) Oxazepam;

(ll) Oxazolam;

(mm) Paraldehyde;

(nn) Petrichloral;

(oo) Phenobarbital;

(pp) Pinazepam;

(qq) Prazepam;

(rr) Quazepam;

(ss) Temazepam;

(tt) Tetrazepam;

(uu) Triazolam;

(vv) Zolpidem;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Pemoline, including organometallic complexes and chelates thereof;

(h) Phentermine;

(i) Pipradrol;

(j) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts: pentazocine;

(6) Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient;

(7) The department of health may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drug and its salts: buprenorphine;

(2) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(3) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone.

11. The department of health shall revise and republish the schedules annually.

**195.020. A controlled substance analogue shall be treated, to the extent intended for human consumption, as a controlled substance in schedule I for the purposes of any state law.**

195.030. 1. The department of health upon public notice and hearing pursuant to this section and chapter 536, RSMo, may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a wholesaler shall supply the same, without having first obtained annually a registration issued by the department of health in accordance with rules and regulations promulgated by it.

3. Persons registered by the department of health under sections 195.005 to 195.425 to manufacture, distribute, or dispense or conduct research with controlled substances are authorized to possess, manufacture, distribute or dispense such substances, including any such activity in the conduct of research, to the extent authorized by their registration and in conformity with other provisions of sections 195.005 to 195.425.

4. The following persons shall not be required to register and may lawfully possess controlled substances under sections 195.005 to 195.425:

(1) An agent or employee**, excluding physicians, dentists, optometrists, podiatrists and veterinarians,** of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

5. The department of health may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

6. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

7. The department of health is authorized to inspect the establishment of a registrant or applicant in accordance with the provisions of sections 195.005 to 195.425.

195.040. 1. No registration shall be issued under section 195.030 unless and until the applicant therefor has furnished proof satisfactory to the department of health:

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense related to controlled substances. No registration shall be granted to any person who is abusing controlled substances.

3. The department of health shall register an applicant to manufacture, distribute or dispense controlled substances unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

5. Practitioners shall be registered to dispense any controlled substance or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the laws of this state. The department of health need not require separate registration under sections 195.005 to 195.425 for practitioners engaging in research with nonnarcotic substances in Schedules II through V where the registrant is already registered under sections 195.005 to 195.425 in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the department of health evidence of that federal registration.

6. Compliance by manufacturers and distributors with the provisions of federal law respecting registration (excluding fees) shall entitle them to be registered under sections 195.005 to 195.425.

7. A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the department of health upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(2) Has been convicted of a felony under any state or federal law relating to any controlled substance;

(3) Has had his federal registration to manufacture, distribute or dispense suspended or revoked; [or]

(4) Has violated any federal controlled substances statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425**; or**

**(5) Has had his professional license to practice suspended or revoked**.

8. The department of health may warn or censure a registrant; limit a registration to particular controlled substances or schedules of controlled substances; limit revocation or suspension of a registration to a particular controlled substance with respect to which grounds for revocation or suspension exist; restrict or limit a registration under such terms and conditions as the department of health considers appropriate for a period of five years; suspend or revoke a registration for a period not to exceed five years; or deny an application for registration. In any order of revocation, the department of health may provide that the registrant may not apply for a new registration for a period of time ranging from one to five years following the date of the order of revocation. All stay orders shall toll this time period. **Any registration granted or placed under a limitation or restriction by the department of health shall be termed "under probation".**

9. If the department of health suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all [narcotic and dangerous drugs] **controlled substances** may be forfeited to the state.

10. The department of health shall promptly notify the [Bureau of Narcotics and Dangerous Drugs] **Drug Enforcement Agency**, United States Department of Justice, or its successor agency, of all orders suspending or revoking registration and all forfeitures of controlled substances.

11. If after first providing the registrant an opportunity for an informal conference, the department of health proposes to deny, suspend, restrict, limit or revoke a registration or refuse a renewal of registration, the department of health shall serve upon the applicant or registrant written notice of the proposed action to be taken on the application or registration. The notice shall contain a statement of the type of discipline proposed, the basis therefor, the date such action shall go into effect and a statement that the registrant shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant's or registrant's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or registrant. If the registrant or applicant makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within sixty days of receipt of the written request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission. The department of health may issue letters of censure or warning and may enter into agreements with a registrant or applicant which restrict or limit a registration without formal notice or hearing.

12. The department of health may suspend any registration simultaneously with the institution of proceedings under subsection 7 of this section if the department of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

**195.045. Any person, organization, association or corporation who reports or provides information to the department of health pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.**

195.060. 1. Except as provided in subsection 3 of this section, a pharmacist [or an apothecary], in good faith, may sell and dispense controlled substances to any person only upon a [written or oral] prescription**, as defined by regulation by the department of health,** of [a physician, dentist, podiatrist, or veterinarian] **practitioner as authorized by statute**, provided that the controlled substances listed in Schedule V may be sold without prescription but only in accordance with federal regulations. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be refilled**; no prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed**; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner. [A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.]

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or [apothecary] **pharmacist**, but only on an official written order.

3. [An apothecary or] **A** pharmacist, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health upon an oral prescription by [a practicing physician, podiatrist, veterinarian or dentist] **practitioner as authorized by statute**, provided such person shall furnish the pharmacist with a written prescription within seventy-two hours, containing the date, name and address prescribing same and their registry number under the federal narcotic laws and bearing the full name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed; provided the drug or drugs prescribed by such oral prescription have been listed by the director of the department of health as provided for in section 195.195. If the oral prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the oral prescription shall write the date of filling, and his own signature on the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled, for a period of two years so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 195.005 to 195.425.

4. It shall be unlawful for [narcotics or hallucinogenic drugs] **controlled substances** to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense controlled substances or he may cause the same to be administered or dispensed by a nurse or graduate physician under his direction and supervision.

2. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

3. [Any person who has obtained from a physician, podiatrist, dentist, optometrist, or veterinarian any controlled substance for administration to a patient during the absence of such physician, podiatrist, dentist, optometrist, or veterinarian, shall return to such physician, dentist, podiatrist, optometrist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.] **An individual practitioner may not prescribe or dispense a controlled substance for that individual practitioner's personal use except in a medical emergency.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to [six] **three** months if the physician describes on the prescription form the medical reason for requiring the larger supply.

**3. The partial filling of a prescription for a schedule II substance is permissible as defined by regulation by the department of health.**

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except an apothecary for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever [an apothecary] **a pharmacist** or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the [apothecary] **pharmacist** or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name, of the physician, dentist, podiatrist or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.110. A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or [apothecary] **pharmacist**, or other person authorized under the provisions of section 195.050 and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

195.197. The department of health shall cooperate with federal and other state agencies including the board of pharmacy in discharging its responsibilities concerning traffic in controlled substances, narcotic or dangerous drugs and in suppressing the abuse of controlled substances. To this end, it is authorized to:

(1) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) Coordinate and cooperate in training programs on controlled substance law enforcement at the local and state levels[;

(3) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which

controlled substances may be extracted].

195.204. 1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he obtains or attempts to obtain a controlled substance or procures or attempts to procure the administration of the controlled substance by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address. The crime of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:

(1) Knowingly making a false statement in any prescription, order, report, or record, required by sections 195.005 to 195.425;

(2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, [apothecary] **pharmacist**, physician, dentist, podiatrist, veterinarian, or other authorized person;

(3) Making or uttering any false or forged prescription or false or forged written order;

(4) Affixing any false or forged label to a package or receptacle containing controlled substances;

(5) Possess a false or forged prescription with intent to obtain a controlled substance.

2. Fraudulently attempting to obtain a controlled substance is a class D felony.

3. Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug shall not be deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he may have acquired from any patient while attending him in a professional character and which information was necessary to enable him to prescribe for such patient as a physician, or to perform any act for him as a surgeon.

4. The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 195.080, in the same way as they apply to transactions under all other sections.

**195.224. 1. As used in this section the term "common carrier" includes all railroad corporations, street railroad corporations, express companies, car companies, sleeping car companies, freight companies, freightline companies, steamboat, power boat, vessel boat and ferry companies, and every corporation, company, association, joint stock company or association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, holding, operating, controlling or managing any such agency for public use in the conveyance of persons or property within this state.**

**2. Any person who violates section 195.222 or 195.223 through the use of a common carrier commits the crime of drug trafficking via common carrier. Drug trafficking via common carrier is a class C felony.**

**3. The penalty prescribed by this section shall be in addition to any other penalty prescribed by law.**

195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person shall submit to the department of health a report, as prescribed by the department of health, of all such transactions:

(1) Anthranilic acid and its salts;

(2) Benzyl cyanide;

(3) Ergotamine and its salts;

(4) Ergonovine and its salts;

(5) N-Acetylanthranilic acid and its salts;

(6) Phenylacetic acid and its salts;

(7) Piperidine and its salts;

(8) 3,4,-Methylenedioxyphenyl-2-propanone;

(9) Acetic anhydride;

(10) Acetone;

(11) Benzyl Chloride;

(12) Ethyl ether;

(13) Hydriodic acid;

(14) Potassium permanganate;

(15) 2-Butanone (or Methyl Ethyl Ketone or MEK);

(16) Toluene;

(17) Ephedrine, its salts, optical isomers, and salts of optical isomers;

(18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;

(19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;

(20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers**;**

**(21) Methylamine and its salts;**

**(22) Ethylamine and its salts;**

**(23) Proprionic anhydride;**

**(24) Insosafrole (Isosafrole);**

**(25) Safrole;**

**(26) Piperonal;**

**(27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;**

**(28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;**

**(29) Benzaldehyde;**

**(30) Nitroethane;**

**(31) Hydrochloric acid;**

**(32) Sulfuric acid;**

**(33) Methyl Isobutyl Ketone (MIBK).**

3. The chemicals listed or to be listed in the schedule in subsection 2 of this section are included by whatever official, common, usual, chemical, or trade name designated.

4. The department of health by rule or regulation may add substances to or delete substances from subsection 2 of this section in the manner prescribed under section 195.017, if such substance is a component of or may be used to produce a controlled substance.

5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling, transferring, or otherwise furnishing any substance listed in subsection 2 of this section to a person within this state, require such person to give proper identification. For the purposes of this section "proper identification" means:

(1) A motor vehicle operator's license or other official state-issued identification which contains a photograph

of the person and includes the residential or mailing address of the person, other than a post office box number;

(2) The motor vehicle license number of any motor vehicle operated by the person;

(3) A letter of authorization from the business to which any of the substances listed in subsection 2 of this section are being transferred, which shall include the address of the business and business license number if the business is required to have a license number;

(4) A full description of how the substance is to be used; and

(5) The signature of the person to whom such substances are transferred.

The person selling, transferring, or otherwise furnishing any substance listed in subsection 2 of this section shall affix his signature, to the document which evidences that a sale or transfer has been made, as a witness to the signature and proper identification of the person purchasing such substance.

6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance listed in subsection 2 of this section to a person shall, not less than twenty-one days prior to the delivery of the substance, submit a report of the transaction as prescribed by the department of health, which shall include the proper identification information. The department of health may allow the submission of such reports on a monthly basis with respect to repeated, regular transactions between a person who furnishes such substances and the person to whom such substances are delivered, if the department determines that either:

(1) A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such substance and the person to whom such substance is delivered; or

(2) The person to whom such substance is delivered has established a record of utilization of the substance for lawful purposes.

7. This section shall not apply to any of the following:

(1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a substance listed in subsection 2 of this section upon the prescription or order of a physician, dentist, podiatrist or veterinarian;

(2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers, dispenses or furnishes a substance listed in subsection 2 of this section to his patients within the scope of his professional practice. Such administration or dispensing shall be recorded in the patient record;

(3) Any sale, transfer, furnishing or receipt of any drug which contains any substance listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act of regulations adopted thereunder.

8. (1) Any violation of subsection 5 of this section shall be a class D felony.

(2) Any person subject to subsection 6 of this section who does not submit a report as required or who knowingly submits a report with false or fictitious information shall be guilty of a class D felony and subject to a fine not exceeding ten thousand dollars.

(3) Any person who is found guilty a second time of not submitting a report as required in subsection 6 of this section or who knowingly submits such a report with false or fictitious information shall be guilty of a class C felony and subject to a fine not exceeding one hundred thousand dollars.

195.410. 1. No registration shall be issued under section 195.405 unless and until the applicant for such registration has furnished proof satisfactory to the department of health that:

(1) The applicant is of good moral character or, if the applicant is an association or corporation, that the managing officers are of good moral character; and

(2) The applicant is properly equipped as to land, building, and paraphernalia to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense related to controlled substances or chemicals listed in subsection 2 of section 195.400.

3. The department of health shall register an applicant to manufacture, distribute, sell, transfer, or otherwise furnish listed chemicals unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances or chemicals listed in subsection 2 of section 195.400 into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance or chemicals listed in subsection 2 of section 195.400;

(4) Past experience in the manufacture or distribution of controlled substances or chemicals listed in subsection 2 of section 195.400 and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under section 195.405; and

(6) Any other factors that the department of health determines to be relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute chemicals listed in subsection 2 of section 195.400 other than those specified in the registrant's registration.

5. A registration to manufacture, distribute, sell, transfer, or otherwise furnish or dispense a controlled substance or chemical listed in subsection 2 of section 195.400 may be suspended or revoked by the department of health upon a finding that the registrant has:

(1) Furnished false or fraudulent material information in any application filed under section 195.405;

(2) Been convicted of a felony under any state or federal law relating to any controlled substance or chemical listed in subsection 2 of section 195.400;

(3) Had his federal authority to manufacture, distribute or dispense controlled substances or chemicals listed in subsection 2 of section 195.400 suspended or revoked; or

(4) Violated any federal controlled substances or chemicals statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.

6. The department of health may limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist.

7. If the department of health suspends or revokes a registration, all listed chemicals owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the department and held pending final disposition of the case. No disposition may be made of chemicals

under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable chemicals and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all chemicals may be forfeited to the state.

8. The department of health shall promptly notify the Drug Enforcement Administration, United States Department of Justice or their successor agencies, of all orders suspending or revoking registration and all forfeitures of controlled substances.

9. [Before denying, suspending or revoking a registration or refusing a renewal of registration, the department of health shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the department of health at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show-cause order shall be served not later than thirty days before the expiration of the registration.

10. If the department of health shall refuse any person registration under sections 195.400 to 195.425, or shall revoke or suspend registration already issued under sections 195.400 to 195.425, the person shall have the right to seek a determination on such refusal, revocation or suspension by the administrative hearing commission.

11. If a determination is sought as provided in subsection 10 of this section, the department of health shall immediately certify all proceedings in reference to the cause to the administrative hearing commission.] **A registration to manufacture or distribute listed chemicals may be suspended or revoked by the department of health upon a finding that the registrant:**

**(1) Has furnished false or fraudulent material information in any application filed pursuant to sections 195.005 to 195.425;**

**(2) Has been convicted of a felony pursuant to any state or federal law relating to any controlled substance or listed chemical;**

**(3) Has had his federal registration to manufacture, distribute or dispense controlled substances or his federal registration to manufacture or distribute listed chemicals suspended or revoked; or**

**(4) Has violated any federal controlled substances or listed chemical statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.**

**10. The department of health may warn or censure a registrant; limit a registration to particular listed chemicals; limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist; restrict or limit a registration under such terms and conditions as the department of health considers appropriate for a period of five years; suspend or revoke a registration for a period not to exceed five years; or deny an application for registration. In any order of revocation, the department of health may provide that the registrant may not apply for a new registration for a period of time ranging from one to five years following the date of the order of revocation. All stay orders shall toll this time period.**

**11. If the department of health suspends or revokes a registration, all listed chemicals owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the department and held pending final disposition of the case. No disposition may be made of chemicals under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application, orders the sale of perishable chemicals and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all chemicals may be forfeited to the state.**

12. The department of health may suspend without an order to show cause, any registration simultaneously with the institution of proceedings under subsection 5 of this section if the department of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review of such proceedings unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

195.420. 1. It is unlawful for any person to possess chemicals listed in subsection 2 of section 195.400**, or any**

**other chemicals proven to be precursor ingredients of methamphetamine as established by expert testimony pursuant to subsection 3 of this section,** with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of sections 195.005 to 195.425.

2. A person who violates this section is guilty of a class [D] **C** felony.

**3. The state may present expert testimony to provide a prima facie case that a chemical not listed in subsection 2 of section 195.400 is an immediate precursor ingredient for producing methamphetamine.**

**490.730. 1. As used in this section, the term "hazardous materials" means any substance which is capable of posing an unreasonable risk to health, safety and property. It shall include any controlled substance or controlled substance analogue as defined in section 195.010, RSMo, or any substance which by its nature is explosive, flammable, corrosive, poisonous, radioactive, a biological hazard or a material which may cause spontaneous combustion. It shall include, but not be limited to, substances listed in the Table of Hazardous Materials contained in the Code of Federal Regulations-Title 49 and the National Fire Protection Association's Fire Protection Guide on Hazardous Materials.**

**2. Notwithstanding the provisions of section 575.100, RSMo, and with the approval of the affected court, any law enforcement officer who seizes hazardous materials as evidence related to a criminal investigation may collect representative samples of such hazardous materials, and destroy or dispose of, or direct another person to destroy or dispose of the remaining quantity of such hazardous materials.**

**3. In any prosecution, representative samples of hazardous materials accompanied by photographs, video tapes, laboratory analysis reports or other means used to verify and document the identity and quantity of the material shall be deemed competent evidence of such hazardous materials and shall be admissible in any proceeding, hearing or trial as if such materials had been introduced as evidence.**

**4. In any prosecution for violation of chapter 195, RSMo, in which the weight or quantity of a controlled substance is an element of the offense, the weight or quantity of the controlled substance necessary to prove the element of the offense shall be held as evidence; except that, any amount of controlled substance in excess of that which is necessary to prove the offense may be destroyed at the direction of the seizing law enforcement officer. Photographs, video tapes and laboratory analysis reports shall be admissible in any proceeding, hearing or trial as if such excess amount of controlled substances had been introduced as evidence.**

542.301. 1. Unless the statute authorizing seizure provides otherwise, property which comes into the custody of an officer or of a court as the result of any seizure and which has not been returned to the claimant shall be disposed of as follows:

(1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, RSMo, but not including any of the property referred to in subsection 2 of this section, shall be delivered by order of court upon claim having been made and established, to the person who is entitled to possession;

(2) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure;

(3) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard;

(4) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists;

(5) **A law enforcement officer having custody of seized property may, at any time that seized property has**

**ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property.** If the property is not claimed within one year from the date of the seizure or if no one establishes a right to it**, and the seized property has ceased to be useful as evidence**, the judge authorized to order a delivery shall[, upon motion of the officer having custody of the property, or] upon [his] **the judge's** own motion, order a public sale of the property. The proceeds of the sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction;

(6) If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction.

2. [(1)] Weapons, tools, devices, and substances other than motor vehicles, aircraft[,] or watercraft, used by the owner or with the owner's consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, RSMo, and property, the possession of which is an offense under the laws of this state or which has been used by the owner, or used with [his] **the owner's** acquiescence or consent, as a raw material or as an instrument to manufacture or produce anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri.

[(2)] **3.** The officer who has custody of the property shall inform the prosecuting attorney of the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a written motion with the court with which the motion to suppress has been, or may be, filed praying for an order directing the forfeiture of the property. **If the prosecuting attorney of a county in which property is seized fails to file a motion with the court for the disposition of the seized property within sixty days of the request by a law enforcement officer, the officer having custody of the seized property may request the attorney general to file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. The signed motion shall be returned to the requesting agency.** A motion may also be filed by any person claiming the right to possession of the property praying that the court declare the property not subject to forfeiture and order it delivered to the moving party.

[(3)] **4.** Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge shall order notice to be given to all persons interested in the property, including the person out of whose possession the property was seized and any lienors, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons of unknown address by publication in a newspaper of general circulation in the county. Every interested person shall be given a reasonable opportunity to appear and to be heard as to the nature of [his] **the person's** claim to the property and upon the issue of whether or not it is subject to forfeiture.

[(4)] **5.** If the evidence is clear and convincing that the property in issue is in fact of a kind subject to forfeiture under this subsection, the judge shall declare it forfeited and order its destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence in a criminal proceeding shall be postponed until this need no longer exists.

[(5)] **6.** If the forfeited property can be put to a lawful use, it may be ordered sold after any alterations which are necessary to adapt it to a lawful use have been made. If there is a holder of a bona fide lien against property which has been used as a means for committing an offense or which has been used as a raw material or as an instrument to manufacture or produce anything which is an offense to possess, who establishes that the use was without [his] **the lienholder's** acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be paid to [him] **the lienholder** to the amount of [his] **the lienholder's** lien. The remaining amount shall be paid into the county treasury.

[(6)] **7.** If the property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property.

[3. (1)] **8.** When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the

state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor[,] or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution[,] or circulation to the public, the judge shall declare it to be obscene and forfeited to the state and order its destruction or other disposition[. However]**; except that**, no forfeiture shall be declared without the dealer, distributor[,] or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or [his] **such person's** agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor[,] or displayer consents to a longer period, or by [his] **such person's** actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition[,] or distribution to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor[,] or displayer.

[(2)] **9.** If an appeal is taken by the dealer, exhibitor[,] or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

[(3)] **10.** A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state.

[4. (1)] **11.** When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place[,] and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer[,] or [his] **such person's** agent. Such notice shall be served no less than five days before the hearing.

[(2)] **12.** If the evidence is clear and convincing that the matter is obscene as defined by law, and that the obscene material was being held or displayed for sale, exhibition, distribution[,] or circulation to the public or that the matter is pornographic for minors and that the pornographic material was being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order its destruction or other disposition. A determination that the matter is obscene in a criminal proceeding as well as a determination that such obscene material was held or displayed for sale, exhibition, distribution or circulation to the public or a determination that the matter is pornographic for minors in a criminal proceeding as well as a determination that such pornographic material was held or displayed for sale, exhibition, distribution[,] or circulation to minors shall be clear and convincing evidence that such material should be forfeited to the state[. However]**; except that**, no forfeiture shall be declared without the dealer, distributor[,] or displayer being given a reasonable opportunity to appear in opposition and without a judge having thoroughly examined each item. A dealer, distributor[,] or displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer, distributor[,] or displayer where the dealer, distributor or displayer has been charged and found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution[,] or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found to have been held or displayed for sale, exhibition, distribution[,] or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor[,] or displayer.

[(3)] **13.** If an appeal is taken by the dealer, exhibitor[,] or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding.

[(4)] **14.** A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter.

[5.] **15.** An appeal by any party shall be allowed from the judgment of the court as in other civil actions.

570.030. 1. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is one hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any [narcotic drugs] **controlled substance** as defined by section 195.010, RSMo; otherwise, stealing is a class A misdemeanor.

4. The theft of any item of property or services under subsection 3 of this section which exceeds one hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

5. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

Section C. Because immediate action is necessary to preserve the health and safety of Missourians in the chronic fight against drugs, section B of this act is deemed necessary for the immediate preservation of the

public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval.".

Representative Clayton offered House Amendment No. 1 to House Amendment No. 3.

*House Amendment No. 1*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 75, Section 195.410, Line 6 of said page, by inserting immediately after the number "5." an opening bracket "["; and

Further amend said amendment, Page 76, Section 195.410, Line 18 of said page, by deleting the opening bracket "["; and

Further amend said amendment, Page 78, Section 195.410, Line 10 of said page, by deleting the number "**10.**" and inserting in lieu thereof the number "**6.**"; and

Further amend said amendment, Page 78, Section 195.410, Line 23 of said page, by deleting the number "**11.**" and inserting in lieu thereof the number "**7.**"; and

Further amend said amendment, Page 79, Section 195.410, Line 11 of said page, by deleting the number "12." and inserting in lieu thereof the following: "[12.] **8.**".

On motion of Representative Clayton, House Amendment No. 1 to House Amendment No. 3 was adopted.

Representative Summers offered House Amendment No. 2 to House Amendment No. 3.

*House Amendment No. 2*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 92, Section 542.301, Line 6 of said page, by inserting after all of said line the following:

"568.050. 1. A person commits the crime of endangering the welfare of a child in the second degree if:

(1) He with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years old; or

(2) He knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years old, he recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; [or]

(4) He knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 195.130, RSMo[.]**; or**

**(5) He knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo.**

2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

3. **Except as provided in subsection 4 of this section,** endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.

**4. Any person who violates subdivision (5) of subsection 1 of this section is guilty of a class D felony.**"; and

Further amend title and enacting clause accordingly.

On motion of Representative Summers, House Amendment No. 2 to House Amendment No. 3 was adopted.

Representative Hosmer offered House Amendment No. 3 to House Amendment No. 3.

*House Amendment No. 3*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 94, by inserting immediately after said page the following:

"**Section . The Department of Mental Health shall develop criteria for the siting of new methadone treatment programs in the state of Missouri.**"

On motion of Representative Hosmer, House Amendment No. 3 to House Amendment No. 3 was adopted.

Representative Seigfreid offered House Amendment No. 4 to House Amendment No. 3.

*House Amendment No. 4*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 16, Section 195.010, Line 18, by inserting after the word "use", "as prescribed or ordered by an authorized practitioner,"

On motion of Representative Seigfreid, House Amendment No. 4 to House Amendment No. 3 was adopted.

On motion of Representative Clayton, House Amendment No. 3, as amended, was adopted by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Broach
Burton Campbell Champion Chrismer Cierpiot
Clayton Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 24 Graham 106 Gratz Green
Griesheimer Gross Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kennedy Kissell Koller Lakin
Lawson Leake Legan Levin Linton
Lograsso Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murray Naeger
Nordwald O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 004

Boucher Carter Holand Murphy

PRESENT: 000

ABSENT WITH LEAVE: 008

Bray 84 Hand Kelly 27 Kreider Liese
Long O'Connor Thompson 37

Representative Stokan offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 79, Page 2, Section 265.710, Line 10-11, by deleting said lines and inserting the following:

(6) "Industrial hemp", hibiscus cannibinus L and its varieties, containing no tetrahydrocannibinols (THC), or other non-wood fibers and their varieties which are devoid of tetrahydrocannibinols (THC).

On motion of Representative Stokan, House Amendment No. 4 was adopted by the following vote:

AYES: 111

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright

Bonner Boucher Broach Burton Campbell

Carter Champion Chrismer Cierpiot Cooper

Copeland Crawford Crump Daniels 41 Davis 122

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Fitzwater Foley Foster

Franklin Froelker Gaston Gibbons Goward

Graham 106 Gratz Griesheimer Gross Hagan-Harrell

Hall Hartzler 124 Heckemeyer Hendrickson Holand

Hoppe Hosmer Howerton Johnson Kelley 47

Kennedy Kissell Lakin Lawson Leake

Legan Levin Linton Lograsso Long

Loudon Marble McClelland Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Ridgeway Rizzo Robirds Ross Sallee

Scheve Scott Secrest Seigfreid Sheldon 104

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Summers Surface Thompson 37 Townley

Troupe Vogel Wannenmacher Williams 121 Wooten

Mr. Speaker

NOES: 046

Bland Bray 84 Clayton Davis 63 Days

DeMarce Farmer Farnen Ford Fritts

Gaskill Graham 24 Green Gunn Harlan

Hartzler 123 Hegeman Hickey Hohulin Hollingsworth

Kasten Kauffman Koller Kreider Luetkenhaus

Lumpe May 108 Mays 50 McBride McLuckie

O'Toole Ostmann Overschmidt Richardson Schilling

Schwab Shear Shields Steen Tate

Thomason 163 Treadway Van Zandt Wiggins Williams 159

Wilson

PRESENT: 000

ABSENT WITH LEAVE: 006

Backer Bauer Daniel 42 Hand Kelly 27

Liese

Speaker Pro Tem Kreider resumed the Chair.

**HCS SCS SB 79, as amended,** was placed on the Informal Calendar.

**HCS SB 320, as amended**, relating to geologists, was taken up by Representative McBride.

Representative McBride offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 320, Page 3, Lines 23 & 24, by striking said lines and inserting in lieu thereof the following:

(2) has provided the board a summary of the actual geologic work demonstrating that the applicant has at least ten years of competent post-baccalaureate experience in the practice of geology.

On motion of Representative McBride, House Amendment No. 1 was adopted.

Representative Robirds offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 320, Page 3, Section 256.468, Line 22, by inserting immediately after said "RSMo" the following: ", **but professional geologists registered in other states may be certified as a registered geologist in the state of Missouri subject to approval of the Board of Geologist Registration.**"

Representative Robirds moved that House Amendment No. 2 be adopted.

Which motion was defeated.

Representative Hohulin offered House Amendment No. 3.

Representative McBride raised a point of order that House Amendment No. 3 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative McBride, **HCS SB 320, as amended,** was adopted.

On motion of Representative McBride, **HCS SB 320, as amended,** was read the third time and passed by the following vote:

AYES: 122

Alter Auer Backer Barry 100 Bauer

Bennett 15 Berkstresser Bland Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Cierpiot Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Edwards-Pavia

Farmer Farnen Fitzwater Foley Ford

Foster Franklin Fritts Gaskill Goward

Graham 24 Graham 106 Gratz Griesheimer Gunn

Hagan-Harrell Harlan Heckemeyer Hegeman Hendrickson

Hickey Hollingsworth Hoppe Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Levin Loudon Luetkenhaus Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Surface Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Williams 159 Wilson

Wooten Mr. Speaker

NOES: 021

Ballard Bartelsmeyer Boatright Chrismer Crawford

Elliott Evans Froelker Gibbons Gross

Hall Hartzler 123 Hohulin Lograsso Marble

Murphy Patek Purgason Ridgeway Robirds

Summers

PRESENT: 000

ABSENT WITH LEAVE: 020

Akin Barnett 4 Dougherty Enz Gaston

Green Hand Hartzler 124 Holand Hosmer

Lakin Liese Linton Long Rizzo

Tate Thompson 37 Townley Wiggins Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Shear moved that the vote by which the bill passed be reconsidered.

Representative Seigfreid moved that motion lay on the table.

The latter motion prevailed.

**HCS SS SCS SBs 386 and 372,** relating to administrative rules, was taken up by Representative Smith.

Representative Smith offered **HS HCS SS SBs 386 AND 372.**

On motion of Representative Smith, **HS HCS SS SBs 386 and 372** was adopted.

On motion of Representative Smith, **HS HCS SS SCS SBs 386 and 372,** was read the third time and passed by the following vote:

AYES: 146

Alter Auer Backer Ballard Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Griesheimer

Gross Gunn Hall Harlan Hartzler 123

Heckemeyer Hegeman Hendrickson Hickey Hohulin

Hollingsworth Hoppe Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Linton Lograsso Loudon Lumpe
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Skaggs Smith Steen Stokan
Stoll Stroker Summers Surface Thomason 163
Thompson 37 Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Akin Barnett 4 Foley Green Hagan-Harrell
Hand Hartzler 124 Holand Hosmer Kennedy
Liese Long Luetkenhaus Pryor Tate
Townley Williams 121

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 141

Alter Auer Backer Ballard Barry 100
Bartelsmeyer Bauer Bennett 15 Berkstresser Bland
Boatright Bonner Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Clayton Cooper Copeland Crawford
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hall

Harlan Hartzler 123 Heckemeyer Hegeman Hendrickson

Hickey Hollingsworth Hoppe Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Kreider Lakin Lawson Leake

Levin Linton Lograsso Loudon Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murphy Murray

Naeger Nordwald Ostmann Overschmidt Parker

Patek Pouche Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Thomason 163

Thompson 37 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 159 Wilson Wooten

Mr. Speaker

NOES: 005

Hohulin Merideth O'Toole Purgason Robirds

PRESENT: 000

ABSENT WITH LEAVE: 017

Akin Barnett 4 Hagan-Harrell Hand Hartzler 124

Holand Hosmer Koller Legan Liese

Long Luetkenhaus O'Connor Pryor Tate

Townley Williams 121

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Carter moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 635**, entitled:

An act relating to hepatitis B vaccinations for at-risk state employees.

With Senate Amendment No. 1, Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 635, Page 2, Section 1, Line 23, by inserting immediately after all of said line the following:

"**6. The department of mental health shall develop criteria for locating new methadone treatment programs in the state of Missouri.**".

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 635, Page 1, Section 1, Line 1, by inserting before said line the following:

"Section A. Sections 195.010, 195.040, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400 and 195.410, RSMo 1994, and sections 195.017, 195.030 and 570.030, RSMo Supp. 1996, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.022, 195.030, 195.040, 195.045, 195.060, 195.070, 195.080, 195.100, 195.110, 195.197, 195.204, 195.400, 195.410, 570.030, and 1, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) ["Apothecary", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state;

(5)] "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

[(6) "Bureau", the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency;]

[(7)] **(5)** "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in this sections 195.005 to 195.425;

[(8)] **(6)** "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

[(9)] **(7)** "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

[(10)] **(8)** "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

[(11)] **(9)** "Dentist", a person authorized by law to practice dentistry in this state;

[(12)] **(10)** "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

[(13)] **(11)** "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

[(14)] **(12)** "Distribute", to deliver other than by administering or dispensing a controlled substance;

[(15)] **(13)** "Distributor", a person who distributes;

[(16)] **(14)** "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

[(17)] **(15)** "Drug dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

**(16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;**

[(18)] **(17)** "Drug paraphernalia", all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers; In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

(c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;

(d) The proximity of the object to controlled substances or imitation controlled substances;

(e) The existence of any residue of controlled substances or imitation controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National or local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use;

[(19)] **(18)** "Federal narcotic laws", the laws of the United States relating to controlled substances;

[(20)] **(19)** "Hospital", a place [or institution devoted primarily to the purpose of providing facilities for the diagnosis, care or treatment of sick, injured, or handicapped individuals and licensed by the department of health of Missouri in keeping with the requirements of the "Hospital Licensing Law"] **devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo**;

[(21)] **(20)** "Immediate precursor", a substance which:

(a) The state department of health has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

[(22)] **(21)** "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the

reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a noncontrolled substance that was initially introduced in commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate. Furthermore, an imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

[(23) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;]

[(24)] **(22)** "Laboratory", a laboratory approved by the department of health as proper to be entrusted with the custody of controlled substances but does not include [an apothecary] **a pharmacist** who compounds controlled substances to be sold or dispensed on prescriptions;

[(25)] **(23)** "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or

(b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

[(26)] **(24)** "Marijuana", all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

[(27)] **(25)** "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(28)] **(26)** "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health;

[(29)] **(27)** "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(30)] **(28)** "Opium poppy", the plant of the species Papaver somniferum L., except its seeds;

[(31)] **(29)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

**(30) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by**

**a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;**

[(32)] **(31)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

[(33)] **(32)** "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and illegal nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(34)] **(33)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(35)] **(34)** "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(36)] **(35)** "Registry number", the number assigned to each person registered under the federal controlled substances laws;

[(37)] **(36)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(38)] **(37)** "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(39)] **(38)** "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

[(40)] **(39)** "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

195.017. 1. The department of health shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

(e) Alphameprodine;

(f) Alphamethadol;

(g) Alpha-methylfentanyl;

(h) Alpha-methylthiofentanyl;

(i) Benzethidine;

(j) Betacetylmethadol;

(k) Beta-hydroxyfentanyl;

(l) Beta-hydroxy-3-methylfentanyl;

(m) Betameprodine;

(n) Betamethadol;

(o) Betaprodine;

(p) Clonitazene;

(q) Dextromoramide;

(r) Diampromide;

(s) Diethylthiambutene;

(t) Difenoxin;

(u) Dimenoxadol;

(v) Dimepheptanol;

(w) Dimethylthiambutene;

(x) Dioxaphetyl butyrate;

(y) Dipipanone;

(z) Ethylmethylthiambutene;

(aa) Etonitazene;

(bb) Etoxeridine;

(cc) Furethidine;

(dd) Hydroxypethidine;

(ee) Ketobemidone;

(ff) Levomoramide;

(gg) Levophenacylmorphan;

(hh) 3-Methylfentanyl;

(ii) 3-Methylthiofentanyl;

(jj) Morpheridine;

(kk) MPPP;

(ll) Noracymethadol;

(mm) Norlevorphanol;

(nn) Normethadone;

(oo) Norpipanone;

(pp) Para-fluorofentanyl;

(qq) PEPAP;

(rr) Phenadoxone;

(ss) Phenampromide;

(tt) Phenomorphan;

(uu) Phenoperidine;

(vv) Piritramide;

(ww) Proheptazine;

(xx) Properidine;

(yy) Propiram;

(zz) Racemoramide;

(aaa) Thiofentanyl;

(bbb) Tilidine;

(ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Acetorphine;

(b) Acetyldihydrocodeine;

(c) Benzylmorphine;

(d) Codeine methylbromide;

(e) Codeine-N-Oxide;

(f) Cyprenorphine;

(g) Desomorphine;

(h) Dihydromorphine;

(i) Drotebanol;

(j) Etorphine; (except Hydrochloride Salt);

(k) Heroin;

(l) Hydromorphinol;

(m) Methyldesorphine;

(n) Methyldihydromorphine;

(o) Morphine methylbromide;

(p) Morphine methylsulfonate;

(q) Morphine-N-Oxide;

(r) Myrophine;

(s) Nicocodeine;

(t) Nicomorphine;

(u) Normorphine;

(v) Pholcodine;

(w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) 4-bromo-2,5-dimethoxyamphetamine;

(b) **4-bromo-2, 5-dimethoxyphenethylamine;**

**(c)** 2,5-dimethoxyamphetamine;

[(c)] **(d)** 2,5-dimethoxy-4-ethylamphetamine;

[(d)] **(e)** 4-methoxyamphetamine;

[(e)] **(f)** 5-methoxy-3,4-methylenedioxyamphetamine;

[(f)] **(g)** 4-methyl-2,5-dimethoxy amphetamine;

[(g)] **(h)** 3,4-methylenedioxyamphetamine;

[(h)] **(i)** 3,4-methylenedioxymethamphetamine;

[(i)] **(j)** 3,4-methylenedioxy-N-ethylamphetamine;

[(j)] **(k)** N-nydroxy-3, 4-methylenedioxyamphetamine;

[(k)] **(l)** 3,4,5-trimethoxyamphetamine;

**(m) Alpha-ethyltryptamine;**

[(l)] **(n)** Bufotenine;

[(m)] **(o)** Diethyltryptamine;

[(n)] **(p)** Dimethyltryptamine;

[(o)] **(q)** Ibogaine;

[(p)] **(r)** Lysergic acid diethylamide;

[(q)] **(s)** Marijuana; (Marihuana);

[(r)] **(t)** Mescaline;

[(s)] **(u)** Parahexyl;

[(t)] **(v)** Peyote, to include all parts of the plant presently classified botanically as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

[(u)] **(w)** N-ethyl-3-piperidyl benzilate;

[(v)] **(x)** N-methyl-3-piperidyl benzilate;

[(w)] **(y)** Psilocybin;

[(x)] **(z)** Psilocyn;

[(y)] **(aa)** Tetrahydrocannabinols;

[(z)] **(bb)** Ethylamine analog of phencyclidine;

[(aa)] **(cc)** Pyrrolidine analog of phencyclidine;

[(bb)] **(dd)** Thiophene analog of phencyclidine;

[(cc)] **(ee)** 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone;

(b) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) **Aminorex;**

**(b)** Cathinone;

[(b)] **(c)** Fenethylline;

**(d) Methcathinone;**

[(c)] **(e)** (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

[(d)] **(f)** N-ethylamphetamine;

[(e)] **(g)** N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers[;

(c) Methcathinone, which may also be known as: 2-methylamino-1-phenylpropan 1-one; ephedrone; monomethylpropion UR 1431, its salts, optical isomers and salts of optical isomers;

(d) Aminorex, which may also be known as: aminoxaphen, 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine, its salts, optical isomers and salts of optical isomers;

(e) Alphaethyltryptamine, its optical isomers, salts and salts of isomers, which may also be known as: etryptamine; Alphaethyl-1 H-indole-3-ethanamine; 3-(2-aminobutyl) indole].

3. The department of health shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. Ethylmorphine;

i. Etorphine hydrochloride;

j. Hydrocodone;

k. Hydromorphone;

l. Metopon;

m. Morphine;

n. Oxycodone;

o. Oxymorphone;

p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(a) Alfentanil;

(b) Alphaprodine;

(c) Anileridine;

(d) Bezitramide;

(e) Bulk Dextropropoxyphene;

(f) Carfentanil;

(g) Butyl nitrite;

(h) Dihydrocodeine;

(i) Diphenoxylate;

(j) Fentanyl;

(k) Isomethadone;

(l) Levo-alphacetylmethadol;

(m) Levomethorphan;

(n) Levorphanol;

(o) Metazocine;

(p) Methadone;

(q) Meperidine;

(r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

(s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

(t) Pethidine;

(u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperdine-4-carboxylic acid;

(x) Phenazocine;

(y) Piminodine;

(z) Racemethorphan;

(aa) Racemorphan;

(bb) Sulfentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) Methamphetamine, its salts, isomers, and salts of its isomers;

(c) Phenmetrazine and its salts;

(d) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Amobarbital;

(b) Glutethimide;

(c) Pentobarbital;

(d) Phencyclidine;

(e) Secobarbital;

(5) Any material, compound or compound which contains any quantity of the following substances:

(a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

(b) Nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

(b) Immediate precursors to phencyclidine (PCP):

a. 1-phenylcyclohexylamine;

b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health shall place a substance in Schedule III if it finds that:

(1) The substance has a potential for abuse less than the substances listed in Schedules I and II;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Benzphetamine;

(b) Chlorphentermine;

(c) Clortermine;

(d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Lysergic acid;

(f) Lysergic acid amide;

(g) Methyprylon;

(h) Sulfondiethylmethane;

(i) Sulfonethylmethane;

(j) Sulfonmethane;

(k) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of [dihydrocodeinone] **hydrocodone** per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of [dihydrocodeinone] **hydrocodone** per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

(a) Boldenone;

(b) Chlorotestosterone (4-Chlortestosterone);

(c) Clostebol;

(d) Dehydrochlormethyltestosterone;

(e) Dihydrostestosterone (4-Dihydrotestosterone);

(f) Drostanolone;

(g) Ethylestrenol;

(h) Fluoxymesterone;

(i) Formebulone (Formebolone);

(j) Mesterolone;

(k) Methandienone;

(l) Methandranone;

(m) Methandriol;

(n) Methandrostenolone;

(o) Methenolone;

(p) Methyltestosterone;

(q) Mibolerone;

(r) Nandrolone;

(s) Norethandrolone;

(t) Oxandrolone;

(u) Oxymesterone;

(v) Oxymetholone;

(w) Stanolone;

(x) Stanozolol;

(y) Testolactone;

(z) Testosterone;

(aa) Trenbolone;

(bb) Any salt, ester, or isomer of a drug or substance described or listed in this subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for that administration.

(6) The department of health may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbital;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Estazolam;

(p) Ethchlorvynol;

(q) Ethinamate;

(r) Ethyl loflazepate;

(s) Fludiazepam;

(t) Flunitrazepam;

(u) Flurazepam;

(v) Halazepam;

(w) Haloxazolam;

(x) Ketazolam;

(y) Loprazolam;

(z) Lorazepam;

(aa) Lormetazepam;

(bb) Mebutamate;

(cc) Medazepam;

(dd) Meprobamate;

(ee) Methohexital;

(ff) Methylphenobarbital;

(gg) Midazolam;

(hh) Nimetazepam;

(ii) Nitrazepam;

(jj) Nordiazepam;

(kk) Oxazepam;

(ll) Oxazolam;

(mm) Paraldehyde;

(nn) Petrichloral;

(oo) Phenobarbital;

(pp) Pinazepam;

(qq) Prazepam;

(rr) Quazepam;

(ss) Temazepam;

(tt) Tetrazepam;

(uu) Triazolam;

(vv) Zolpidem;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Pemoline, including organometallic complexes and chelates thereof;

(h) Phentermine;

(i) Pipradrol;

(j) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts: pentazocine;

(6) Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient;

(7) The department of health may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drug and its salts: buprenorphine;

(2) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(3) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone.

11. The department of health shall revise and republish the schedules annually.

**195.022. A controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of any state law, as a controlled substance in schedule I.**

195.030. 1. The department of health upon public notice and hearing pursuant to this section and chapter 536, RSMo, may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare, distribute, dispense or prescribe any controlled substance and no person as a wholesaler shall supply the same, without having first obtained annually a registration issued by the department of health in accordance with rules and regulations promulgated by it.

3. Persons registered by the department of health under sections 195.005 to 195.425 to manufacture, distribute, or dispense or conduct research with controlled substances are authorized to possess, manufacture, distribute or dispense such substances, including any such activity in the conduct of research, to the extent authorized by their registration and in conformity with other provisions of sections 195.005 to 195.425.

4. The following persons shall not be required to register and may lawfully possess controlled substances under sections 195.005 to 195.425:

(1) An agent or employee**, excluding physicians, dentists, optometrists, podiatrists or veterinarians,** of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

5. The department of health may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

6. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

7. The department of health is authorized to inspect the establishment of a registrant or applicant in accordance with the provisions of sections 195.005 to 195.425.

195.040. 1. No registration shall be issued under section 195.030 unless and until the applicant therefor has furnished proof satisfactory to the department of health:

(1) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(2) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense related to controlled substances. No registration shall be granted to any person who is abusing controlled substances.

3. The department of health shall register an applicant to manufacture, distribute or dispense controlled substances unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(6) Suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and

(7) Any other factors relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

5. Practitioners shall be registered to dispense any controlled substance or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the laws of this state. The department of health need not require separate registration under sections 195.005 to 195.425 for practitioners engaging in research with nonnarcotic substances in Schedules II through V where the registrant is already registered under sections 195.005 to 195.425 in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the department of health evidence of that federal registration.

6. Compliance by manufacturers and distributors with the provisions of federal law respecting registration (excluding fees) shall entitle them to be registered under sections 195.005 to 195.425.

7. A registration to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the department of health upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under sections 195.005 to 195.425;

(2) Has been convicted of a felony under any state or federal law relating to any controlled substance;

(3) Has had his federal registration to manufacture, distribute or dispense suspended or revoked; [or]

(4) Has violated any federal controlled substances statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425**; or**

**(5) Has had the registrant's professional license to practice suspended or revoked**.

8. The department of health may warn or censure a registrant; limit a registration to particular controlled substances or schedules of controlled substances; limit revocation or suspension of a registration to a particular controlled substance with respect to which grounds for revocation or suspension exist; restrict or limit a registration under such terms and conditions as the department of health considers appropriate for a period of five years; suspend or revoke a registration for a period not to exceed five years; or deny an application for registration. In any order of revocation, the department of health may provide that the registrant may not apply for a new registration for a period of time ranging from one to five years following the date of the order of revocation. All stay orders shall toll this time period. **Any registration placed under a limitation or restriction by the department of health shall be termed "under probation".**

9. If the department of health suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all [narcotic and dangerous drugs] **controlled substances** may be forfeited to the state.

10. The department of health shall promptly notify the [Bureau of Narcotics and Dangerous Drugs] **Drug Enforcement Administration**, United States Department of Justice, or its successor agency, of all orders suspending or revoking registration and all forfeitures of controlled substances.

11. If after first providing the registrant an opportunity for an informal conference, the department of health proposes to deny, suspend, restrict, limit or revoke a registration or refuse a renewal of registration, the department of health shall serve upon the applicant or registrant written notice of the proposed action to be taken on the application or registration. The notice shall contain a statement of the type of discipline proposed, the basis therefor, the date such action shall go into effect and a statement that the registrant shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant's or registrant's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or registrant. If the registrant or applicant makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within sixty days of receipt of the written request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission. The department of health may issue letters of censure or warning and may enter into agreements with a registrant or applicant which restrict or limit a registration without formal notice or hearing.

12. The department of health may suspend any registration simultaneously with the institution of proceedings under subsection 7 of this section if the department of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

**195.045. Any person, organization, association or corporation who reports or provides information to the department of health pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.**

195.060. 1. Except as provided in subsection 3 of this section, a pharmacist [or an apothecary], in good faith, may sell and dispense controlled substances to any person only upon a [written or oral] prescription**, as defined by regulation by the department of health,** of [a physician, dentist, podiatrist, or veterinarian] **an authorized practitioner**, provided that the controlled substances listed in Schedule V may be sold without prescription but only in accordance with federal regulations. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be **filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be** refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner. [A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.]

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or [apothecary] **pharmacist**, but only on an official written order.

3. [An apothecary or] **A** pharmacist, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health upon an oral prescription by [a practicing physician, podiatrist, veterinarian or dentist] **an authorized practitioner**, provided such person shall furnish the pharmacist with a written prescription within seventy-two hours, containing the date, name and address prescribing same and their registry number under the federal narcotic laws and bearing the full name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed; provided the drug or drugs prescribed by such oral prescription have been listed by the director of the department of health as provided for in section 195.195. If the oral prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the oral prescription shall write the date of filling, and his own signature on the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled, for a period of two years so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 195.005 to 195.425.

4. It shall be unlawful for [narcotics or hallucinogenic drugs] **controlled substances** to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense controlled substances or he may cause the same to be administered or dispensed by a nurse or graduate physician under his direction and supervision.

2. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

3. [Any person who has obtained from a physician, podiatrist, dentist, optometrist, or veterinarian any controlled substance for administration to a patient during the absence of such physician, podiatrist, dentist, optometrist, or veterinarian, shall return to such physician, dentist, podiatrist, optometrist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.] **A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.**

**4. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.**

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to [six] **three** months if the physician describes on the prescription form the medical reason for requiring the larger supply.

**3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health.**

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except [an apothecary] **a pharmacist** for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever [an apothecary] **a pharmacist** or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the [apothecary] **pharmacist** or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name, of the physician, dentist, podiatrist or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.110. A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or [apothecary] **pharmacist**, or other person authorized under the provisions of section 195.050 and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

195.197. The department of health shall cooperate with federal and other state agencies including the board of pharmacy in discharging its responsibilities concerning traffic in controlled substances, narcotic or dangerous drugs and in suppressing the abuse of controlled substances. To this end, it is authorized to:

(1) Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) Coordinate and cooperate in training programs on controlled substance law enforcement at the local and state levels[;

(3) Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted].

195.204. 1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he obtains or attempts to obtain a controlled substance or procures or attempts to procure the administration of the controlled substance by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address. The crime of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:

(1) Knowingly making a false statement in any prescription, order, report, or record, required by sections 195.005 to 195.425;

(2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, [apothecary] **pharmacist**, physician, dentist, podiatrist, veterinarian, or other authorized person;

(3) Making or uttering any false or forged prescription or false or forged written order;

(4) Affixing any false or forged label to a package or receptacle containing controlled substances;

(5) Possess a false or forged prescription with intent to obtain a controlled substance.

2. Fraudulently attempting to obtain a controlled substance is a class D felony.

3. Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug shall not be deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he may have acquired from any patient while attending him in a professional character and which information was necessary to enable him to prescribe for such patient as a physician, or to perform any act for him as a surgeon.

4. The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 195.080, in the same way as they apply to transactions under all other sections.

195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of the following substances to any person shall submit to the department of health a report, as prescribed by the department of health, of all such transactions:

(1) Anthranilic acid and its salts;

(2) Benzyl cyanide;

(3) Ergotamine and its salts;

(4) Ergonovine and its salts;

(5) N-Acetylanthranilic acid and its salts;

(6) Phenylacetic acid and its salts;

(7) Piperidine and its salts;

(8) 3,4,-Methylenedioxyphenyl-2-propanone;

(9) Acetic anhydride;

(10) Acetone;

(11) Benzyl Chloride;

(12) Ethyl ether;

(13) Hydriodic acid;

(14) Potassium permanganate;

(15) 2-Butanone (or Methyl Ethyl Ketone or MEK);

(16) Toluene;

(17) Ephedrine, its salts, optical isomers, and salts of optical isomers;

(18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;

(19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;

(20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers**;**

**(21) Methylamine and its salts;**

**(22) Ethylamine and its salts;**

**(23) Proprionic anhydride;**

**(24) Insosafrole (Isosafrole);**

**(25) Safrole;**

**(26) Piperonal;**

**(27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;**

**(28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;**

**(29) Benzaldehyde;**

**(30) Nitroethane;**

**(31) Acetic anhydride;**

**(32) Hydrochloric acid;**

**(33) Sulfuric acid;**

**(34) Methyl Isobutyl Ketone (MIBK);**

**(35) Hydriotic acid**.

3. The chemicals listed or to be listed in the schedule in subsection 2 of this section are included by whatever official, common, usual, chemical, or trade name designated.

4. The department of health by rule or regulation may add substances to or delete substances from subsection 2 of this section in the manner prescribed under section 195.017, if such substance is a component of or may be used to produce a controlled substance.

5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling, transferring, or otherwise furnishing any substance listed in subsection 2 of this section to a person within this state, require such person to give proper identification. For the purposes of this section "proper identification" means:

(1) A motor vehicle operator's license or other official state-issued identification which contains a photograph of the person and includes the residential or mailing address of the person, other than a post office box number;

(2) The motor vehicle license number of any motor vehicle operated by the person;

(3) A letter of authorization from the business to which any of the substances listed in subsection 2 of this section are being transferred, which shall include the address of the business and business license number if the business is required to have a license number;

(4) A full description of how the substance is to be used; and

(5) The signature of the person to whom such substances are transferred. The person selling, transferring, or

otherwise furnishing any substance listed in subsection 2 of this section shall affix his signature, to the document which evidences that a sale or transfer has been made, as a witness to the signature and proper identification of the person purchasing such substance.

6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any substance listed in subsection 2 of this section to a person shall, not less than twenty-one days prior to the delivery of the substance, submit a report of the transaction as prescribed by the department of health, which shall include the proper identification information. The department of health may allow the submission of such reports on a monthly basis with respect to repeated, regular transactions between a person who furnishes such substances and the person to whom such substances are delivered, if the department determines that either:

(1) A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such substance and the person to whom such substance is delivered; or

(2) The person to whom such substance is delivered has established a record of utilization of the substance for lawful purposes.

7. This section shall not apply to any of the following:

(1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a substance listed in subsection 2 of this section upon the prescription or order of a physician, dentist, podiatrist or veterinarian;

(2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers, dispenses or furnishes a substance listed in subsection 2 of this section to his patients within the scope of his professional practice. Such [adminstration] **administration** or dispensing shall be recorded in the patient record;

(3) Any sale, transfer, furnishing or receipt of any drug which contains any substance listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over the counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act of regulations adopted thereunder.

8. (1) Any violation of subsection 5 of this section shall be a class D felony.

(2) Any person subject to subsection 6 of this section who does not submit a report as required or who knowingly submits a report with false or fictitious information shall be guilty of a class D felony and subject to a fine not exceeding ten thousand dollars.

(3) Any person who is found guilty a second time of not submitting a report as required in subsection 6 of this section or who knowingly submits such a report with false or fictitious information shall be guilty of a class C felony and subject to a fine not exceeding one hundred thousand dollars.

195.410. 1. No registration shall be issued under section 195.405 unless and until the applicant for such registration has furnished proof satisfactory to the department of health that:

(1) The applicant is of good moral character or, if the applicant is an association or corporation, that the managing officers are of good moral character; and

(2) The applicant is properly equipped as to land, building, and paraphernalia to carry on the business described in his application.

2. No registration shall be granted to any person who has within five years been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense related to controlled substances or chemicals listed in subsection 2 of section 195.400.

3. The department of health shall register an applicant to manufacture, distribute, sell, transfer, or otherwise furnish listed chemicals unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of controlled substances or chemicals listed in subsection 2 of section 195.400 into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws relating to any controlled substance or chemicals listed in subsection 2 of section 195.400;

(4) Past experience in the manufacture or distribution of controlled substances or chemicals listed in subsection 2 of section 195.400 and the existence in the applicant's establishment of effective controls against diversion;

(5) Furnishing by the applicant of false or fraudulent material information in any application filed under section 195.405; and

(6) Any other factors that the department of health determines to be relevant to and consistent with the public health and safety.

4. Registration does not entitle a registrant to manufacture and distribute chemicals listed in subsection 2 of section 195.400 other than those specified in the registrant's registration.

5. A registration to manufacture, distribute, sell, transfer, or otherwise furnish or dispense a controlled substance or chemical listed in subsection 2 of section 195.400 may be suspended or revoked by the department of health upon a finding that the registrant has:

(1) Furnished false or fraudulent material information in any application filed under section 195.405;

(2) Been convicted of a felony under any state or federal law relating to any controlled substance or chemical listed in subsection 2 of section 195.400;

(3) Had his federal authority to manufacture, distribute or dispense controlled substances or chemicals listed in subsection 2 of section 195.400 suspended or revoked; or

(4) Violated any federal controlled substances or chemicals statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.

6. The department of health may limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist.

7. If the department of health suspends or revokes a registration, all listed chemicals owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the department and held pending final disposition of the case. No disposition may be made of chemicals under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable chemicals and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all chemicals may be forfeited to the state.

8. The department of health shall promptly notify the Drug Enforcement Administration, United States Department of Justice or their successor agencies, of all orders suspending or revoking registration and all forfeitures of controlled substances.

9. [Before denying, suspending or revoking a registration or refusing a renewal of registration, the department of health shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended or why the renewal should not be refused. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the department of health at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show-cause order shall be served not later than thirty days before the expiration of the registration.] **A registration to manufacture or distribute listed chemicals may be suspended or revoked by the department of health upon a finding that the registrant:**

**(1) Has furnished false or fraudulent material information in any application filed under sections 195.005 to 195.425;**

**(2) Has been convicted of a felony under any state or federal law relating to any controlled substance or listed chemical;**

**(3) Has had a federal registration to manufacture, distribute or dispense controlled substances or a federal registration to manufacture or distribute listed chemicals suspended or revoked; or**

**(4) Has violated any federal controlled substances or listed chemical statute or regulation, or any provision of sections 195.005 to 195.425 or regulation promulgated pursuant to sections 195.005 to 195.425.**

10. [If the department of health shall refuse any person registration under sections 195.400 to 195.425, or shall revoke or suspend registration already issued under sections 195.400 to 195.425, the person shall have the right to seek a determination on such refusal, revocation or suspension by the administrative hearing commission.] **The department of health may:**

**(1) Warn or censure a registrant;**

**(2) Limit a registration to particular listed chemicals;**

**(3) Limit revocation or suspension of a registration to a particular listed chemical with respect to which grounds for revocation or suspension exist;**

**(4) Restrict or limit a registration under such terms and conditions as the department of health considers appropriate for a period of five years;**

**(5) Suspend or revoke a registration for a period not to exceed five years; or**

**(6) Deny an application for registration.**

**In any order of revocation, the department of health may provide that the registrant may not apply for a new registration for one to five years following the date of such order. Any stay order shall toll this time period.**

11. [If a determination is sought as provided in subsection 10 of this section, the department of health shall immediately certify all proceedings in reference to the cause to the administrative hearing commission.] **If the department of health suspends or revokes a registration, all listed chemicals owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No disposition may be made of chemicals under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable chemicals and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all chemicals may be forfeited to the state.**

12. The department of health may suspend without an order to show cause, any registration simultaneously with the institution of proceedings under subsection 5 of this section if the department of health finds that there is imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including review of such proceedings unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

570.030. 1. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is one hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any [narcotic drugs] **controlled substance** as defined by section 195.010, RSMo; otherwise, stealing is a class A misdemeanor.

4. The theft of any item of property or services under subsection 3 of this section which exceeds one hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

5. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 104**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HCS HB 738**, entitled:

An act to repeal sections 301.160, 302.291, 302.292, 303.024, 303.025, 303.026, 303.030, 303.043, 565.024 and 577.023, RSMo 1994, and sections 302.302, 302.309, 302.505, 302.541, 302.545, 304.012, 577.020, 577.041, 610.122 and 610.123, RSMo Supp. 1996, relating to motor vehicles, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions and an effective date for certain sections and an emergency clause for certain sections.

With Senate Amendment Nos. 1, 2, 3, 4, 5, 7, and 9

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 19, Section 565.024, Lines 1-7, by deleting all of section 565.024; and

Further amend said bill, Page 29, Section 1; Lines 1-7, by deleting all of "section 1"; and

Further amend said bill, Page 29, Section 2; Line 1; by deleting on Line 1, the following:

"Section 2", and inserting in lieu thereof the following:

"Section 1"; and

Further amend said bill, Page 29, Section 3, Line 1, by deleting on Line 1 the following:

"Section 3", and inserting in lieu thereof the following:

"Section 2"; and

Further amend said bill by amending the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 27, Section 610.122.3, Line 32-33, by deleting on said lines the following:

"the civil division of the circuit court in the county where the arrest occurred"; and inserting in lieu thereof the following:

"all law enforcement agencies"; and

Further amend said bill, Page 27, Section 610.122.3, Line 36; by inserting after the word "arrest" the following: ", and the subject has not been convicted of any other felony during the fifteen-year period".

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 19, Section 304.012, Line 12, by inserting immediately after said line the following:

"304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for forty-eight hours;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080, RSMo;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010, RSMo, where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or floating loose on the water.

2. The state highways and transportation department may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the roadway of any state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under section 5103(a) of Title 49, U.S.C.

3. **Any law enforcement agency authorizing a tow under this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report.** Any **state or federal** government agency other than a law enforcement agency authorizing a tow under this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within [one hour] **two hours** of the tow along with a [description of the abandoned property sufficient to make a criminal] **crime** inquiry **and inspection report** as required in this section. **Any local government agency, other than a law enforcement agency, authorizing a tow under this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.**

4. Neither the law enforcement officer**, government agency official** nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property under this section or **under authority of a law enforcement officer or local government agency under** section 304.157, the law enforcement agency that authorized such towing or was properly notified **by another government agency** of such towing shall **promptly** make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. **If the abandoned property is not claimed within ten working days of the towing,** the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue[, on any unclaimed abandoned property, within ten working days of the towing of the abandoned property]. **A towing company in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed.** The crime inquiry and inspection report shall **be designed by the director of revenue and shall** include the following:

(1) The year, model, make and property identification number of the property **and the owner and any lienholders, if known**;

(2) A description of any damage to the property noted by the [law enforcement] officer **authorizing the tow**;

(3) The license plate or registration number and the state of issuance, if available;

(4) The storage location of the towed property;

(5) The name, telephone number and address of the towing company;

(6) The date, place and reason for the towing of the abandoned property;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen**. This information shall be entered only by the law enforcement agency making the inquiry**;

(8) The signature and printed name of the [law enforcement] officer **authorizing the tow** and the towing operator; and

(9) Any additional information the director of revenue deems appropriate.

[7. The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms will be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.]

[8.] **7.** One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

[9.] **8.** The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

[10.] **9.** Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to

the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

[11.] **10.** Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain [a copy of the law enforcement officer's] **information regarding the** authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, and information concerning the final disposition of the possession of the abandoned property.

[12.] **11.** If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel [by having such property towed] **without the knowledge or cooperation of the owner**, then the [towing company and the lienholder] **repossesser** shall notify the [Missouri state highway patrol of such tow within one hour] **local law enforcement agency where the repossession occurred within two hours** of the [tow being made] **repossession** and shall further provide the [patrol] **local law enforcement agency** with any additional information the [patrol] **agency** deems appropriate. **The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.**

304.156. 1. Within five working days of receipt of the crime inquiry and inspection report under section 304.155 or the abandoned property report under section 304.157, the director of revenue shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the abandoned property was registered or titled in another state, to determine the name and address of the owner [and/or] **and** lienholder, if any. After ascertaining the name and address of the owner [and/or] **and** lienholder, if any, the department shall, within fifteen working days, notify the towing company [and owner or lienholder]. Any towing company which comes into possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the department of revenue or of a corresponding agency in any other state. The towing company shall notify the owner [and/or] **and any** lienholder within ten business days of the date of mailing indicated on the notice sent by the department of revenue, by certified mail, return receipt requested. The notice shall contain the following:

(1) The name, address and telephone number of the storage facility;

(2) The date, reason and place from which the abandoned property was removed;

(3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;

(4) A statement that the storage firm claims a possessory lien for all such charges;

(5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

(6) A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this section to contest the propriety of such towing or removal;

(7) A statement that if the abandoned property remains unclaimed for thirty days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

(8) A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

2. A towing company may assess **reasonable** storage charges for abandoned property only for the time in which it complies with the procedural requirements of [this section] **sections 304.155 to 304.158**.

3. In the event that the records of the department of revenue fail to disclose the name of the owner or any

lienholder of record, the department shall notify the towing company which shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed that no ownership documents were found and a good faith effort has been made. For purposes of this section, good faith effort means that the following checks have been performed by the company to establish the prior state of registration and title:

(1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title;

(2) Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

(3) Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

(4) If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

4. If no ownership information is discovered, the director of revenue shall be notified in writing and title obtained in accordance with subsection 6 of this section.

5. (1) The owner of the abandoned property removed pursuant to the provisions of section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to subsection 1 of this section may file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The director of revenue shall not be a party to such petition but a copy of the petition shall be served on the director of revenue who shall not issue title to such abandoned property pursuant to this section until the petition is finally decided.

(2) Upon filing of a petition in the associate circuit court, the owner or lienholder may have the abandoned property released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fees, the court shall issue an order notifying the towing company of the posting of the bond and directing the towing company to release the abandoned property. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the towing company reciting any claims for loss or damage to the abandoned property or the contents thereof.

(3) Upon determining the respective rights of the parties, the final order of the court shall provide for immediate payment in full of recovery, towing, and storage fees by the abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real property from which the abandoned property was removed.

6. A towing and/or storage lien shall be enforced as provided in subsection 7 of this section.

7. Thirty days after the notification form has been mailed to the abandoned property owner and holder of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in subsection [4] **5** of this section, the lienholder in possession may apply to the director of revenue for a salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report. The application for title shall be accompanied by:

(1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty days and the owner of the abandoned property or holder of a security agreement has not made arrangements for payment of towing and storage charges;

(2) An affidavit that the lienholder in possession has not been notified of any application for hearing as

provided in this section;

(3) A copy of the abandoned property report or crime inquiry and inspection [form] **report**;

(4) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record has received notice as required in this section.

8. If notice to the owner and holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with subsection 3 of this section.

9. Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158.

10. Any municipality or county which has physical possession of the abandoned property and which sells abandoned property in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218, RSMo, or section 301.560, RSMo, or for any other person. Any dealer or other person purchasing such property from a municipality or county shall apply within thirty days of purchase for a junking certificate or salvage certificate of title designated with the words "salvage/abandoned property". Anyone convicted of a violation of this section shall be guilty of an infraction.

11. Any persons who have towed abandoned property prior to August 28, 1996, may, [within one year after August 28, 1996] **until January 1, 1998**, apply to the department of revenue for either a junking certificate or a salvage certificate of title designated with the words "salvage/abandoned property" to such property. The application shall be accompanied by:

(1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed;

(2) The date of the removal;

(3) The current location of the abandoned property;

(4) An inspection of the abandoned property as prescribed [in section 304.155] **by the director**; and

(5) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest of record and a copy of the certified mail receipt.

12. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue a salvage certificate of title designated with the words "salvage/abandoned property" or a junking certificate.

**13. When an application is made for an original Missouri certificate of ownership on abandoned property previously issued a salvage title as provided in this section, the application shall be accompanied by a properly completed vehicle examination certificate as provided in section 301.190, RSMo, in addition to other documents and fees required by law. Notwithstanding the provisions of section 301.573, RSMo, to the contrary, if satisfied with the genuiness of the application and supporting documents, the director shall issue an original title that shall not designate the abandoned property as being prior salvage unless the examination certificate indicates the vehicle was previously in a salvaged condition or rebuilt.**

**14. If the proceeds obtained by the towing company from sale of the abandoned property exceed the reasonable costs of towing and storage as allowed by law and the costs of retitling such property by more than one hundred dollars, the proceeds shall be returned to the previous owner of the property by a check made payable to both the previous owner and any lienholder of record. Such check shall be made out to the owner and lienholder in the conjunctive, "and", not the disjunctive, "or".**

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by

another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

**2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report under section 304.155.**

**3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.**

[2.] **4.** The owner of real property or lessee in lawful possession of the real property may authorize a towing company to remove abandoned property without authorization by a law enforcement officer only when the owner, lessee or agent of the real property is present and only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained;

(2) The abandoned property is **left unattended** on private property **for over ninety-six hours** and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways[, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification]; or

(3) The abandoned property is left unattended on private property[, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification] **for over ten days**.

[3.] **5.** Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall [within one hour of the tow file] **at that time complete** an abandoned property report [with the appropriate law enforcement agency where the property is located] **which shall be considered a legal declaration subject to criminal penalty under section 575.060, RSMo**. The report shall **be in the form prescribed by the director of revenue and shall** contain the following:

(1) The year, model, make and abandoned property identification number of the property **and the owner and any lienholders, if known**;

(2) A description of any damage to the **abandoned** property noted by owner or lessee in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name**, address and phone number** of the owner or lessee in possession of the real property; [and]

**(7) The towing company's name and address;**

**(8) The signature of the towing operator;**

[(7)] **(9) Space for** the name of the law enforcement agency notified of the **towing of the** abandoned property **and for the signature of the law enforcement official receiving the report; and**

**(10) Any additional information the director of revenue deems appropriate**.

[The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.]

**6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two hours if the tow was made from a signed location under subdivision (1) of subsection 4; otherwise, the report shall be delivered within twenty-four hours.**

[4.] **7.** The law enforcement agency receiving such abandoned property report must record the date **on which** the abandoned property report is filed with such agency and [within five days of such filing] **shall promptly** make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide **law** enforcement computer system**, and an officer shall sign the abandoned property report and provide the towing company with a signed copy**. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

[5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.]

[6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.]

[7.] **8.** The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall [record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.] **search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.**

[8.] **9.** If any owner or lessee of real property **knowingly** authorizes the removal of abandoned property **in violation** [pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2] of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.

304.158. 1. [The person or agency causing] **Notice as to the** removal of any abandoned property under section 304.155 or 304.157 shall [, if the person or agency knows the registered owner or lienholder,] **be made in writing** within five working days [, give notice in writing] to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and [indicate] the place to which the property has been removed **by either:**

**(1) The public agency authorizing the removal; or**

**(2) The towing company, where authorization was made by an owner or lessee of real property**.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this section shall include the amount of mileage, if available, shown on the abandoned property at the time of removal.

2. Any owner of any private real [estate] **property** causing the removal of abandoned property from that real [estate] **property** shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

(1) Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

(2) The removal of property other than the property specified by the owner of the private property from which the abandoned property was removed.

3. The owner of abandoned property removed from private property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

4. Any owner of any private property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this section or [to state the grounds for the removal of the property if requested by the registered owner of the abandoned property as required by subsection 2 of this section] **section 304.157**.

5. Any towing company which tows abandoned property for hire shall have the towing company's name, city and state clearly printed in letters at least three inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

6. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

7. Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this section shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property. [Persons operating or in charge of any storage facility which is not operated by the state, a county or municipality, which is located in an area with a population in excess of fifty thousand at a density at or greater than one thousand persons per square mile, and where the abandoned property is stored pursuant to this section shall accept a valid bank credit card for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property, except where the tow and impoundment of the abandoned property was the result of an arrest or accident whereby the towing company or storage facility may then demand payment in the form of cash. A person operating or in charge of such storage facility who refuses to accept a valid bank credit card pursuant to this subsection is liable to the registered owner of the abandoned property for four times the amount of the towing and storage charges, but not to exceed five hundred dollars.] In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction.

8. A towing company shall not remove or commence the removal of abandoned property from private property without first obtaining written authorization from the property owner. All written authorizations shall be maintained for at least one year by the towing company. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal.

9. Any towing company, or any affiliate of a towing company, which removes, or commences removal of,

abandoned property from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in subsection 8 of this section, is liable to the owner of the property for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of this section.

10. Any county, city, town or village may enact ordinances or orders which are consistent with sections 304.155 to 304.158 and which may specify maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the governmental entity's jurisdiction.

11. Any person who knowingly violates any provision of sections 304.155 to 304.158 shall be guilty of a class A misdemeanor. Any violation of the provisions of this section shall constitute a violation of the provisions of section 407.020, RSMo. In any proceeding brought by the attorney general for a violation of the provisions of this section, the court may, in addition to imposing the penalties provided for in this section order the revocation or suspension of the registration or license of the towing company."; and

Further amend said bill, page 34, Section B, line 29, by striking the following: "this act is" and inserting in lieu thereof the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.570 and 301.573 are"; and further amend line 32, by striking "this act" and inserting in lieu thereof the following: "sections 301.280, 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.570 and 301.573"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 29, Section 3, Line 3, by inserting after all of said line the following:

"**Section 4. Upon a finding or plea of guilty to any felony with a required culpable mental state as set forth in subsection 2 or 3 of section 562.016, RSMo, the court shall, upon motion of any victim, conduct a hearing before final sentencing, to determine the amount due to the victim as restitution by a preponderance of the evidence. The victim may be represented by counsel other than the prosecutor in the hearing. The court shall issue a civil judgment in that amount payable to the victim. The court may, in its discretion, include the amount ordered to be payable to the victim for restitution as a condition of probation.**

**Section 5. The board of probation and parole may, in its discretion, require restitution established pursuant to section 4 of this act, if any, to be paid by the offender as a condition of parole.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 2, Section 3, Line 3, by inserting immediately after all of said line the following:

"**Section 4. At least two public defenders shall be reassigned to offices in the fortieth judicial circuit provided that each county in such circuit fund, on the basis of population, its pro rata share of the costs of office space and utility services.**"

*Senate Amendment No. 7*

AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 23, Section 577.023, Line 89, by inserting immediately after said line the following:

"577.037. 1. Upon the trial of any person for violation of any of the provisions of section 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of any criminal action or violations of county or municipal ordinances or in any license suspension or revocation proceeding pursuant to the provisions of

chapter 302, RSMo, arising out of acts alleged to have been committed by any person while driving a motor vehicle while in an intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the admissibility or introduction of such evidence if otherwise admissible. If there was ten-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

3. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.

4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health. **Any person who submits to a chemical test shall sign a form stating that such test was conducted before such test may be admitted into evidence, unless such test is conducted pursuant to section 577.033. Such person may request that the results of the chemical test be made available to him.**

5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health demonstrate that there was less than ten-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 9*

*AMEND Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, Page 10, Section 302.309, Line 147, by inserting immediately after said line the following:*

*"**No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated in accordance with the provisions of chapter 536, RSMo, including, but not limited to, section 536.028, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section and section 536.028 are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and*

*Further amend Page 19, Section 304.012, Line 12, by inserting immediately after said line the following:*

*"**536.028. 1. The delegation of authority to any state agency to propose to the general assembly rules as***

*provided under this section is contingent upon the agency complying with the provisions of this section and this delegation of legislative power to the agency to propose an order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.*

*2. No rule or portion of a rule that has the effect of substantive law shall become effective until the order of rulemaking, in which such rule or portion thereof is contained, has been reviewed by the general assembly in accordance with the procedures provided herein and the agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof as provided herein.*

*3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency under the authority of this section, an agency may propose a rule by complying with the procedures provided in section 536.021, except that the notice of proposed rulemaking shall first be filed with the general assembly by providing a copy thereof to the joint committee on administrative rules which may hold hearings upon any proposed rule or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.*

*4. In order to propose an order of rulemaking to the general assembly, the agency shall comply with the provisions of section 536.021, except that the agency may file a proposed order of rulemaking with the secretary of state only by first filing such proposed order with the general assembly by providing a copy thereof to the secretary of the senate and the clerk of the house of representatives. The president pro tem of the senate shall direct that a copy of the proposed order of rulemaking be delivered to the joint committee on administrative rules which may hold hearings thereon. The agency shall cooperate with the committee by providing any witnesses, documents or information within the control of the agency as may be requested.*

*5. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the general assembly.*

*6. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and, upon a finding that such rule or portion thereof should be disapproved and annulled upon the following grounds:*

*(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and*

*(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:*

*(a) An absence of statutory authority for the proposed rule;*

*(b) The proposed rule is in conflict with state law;*

*(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;*

*(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;*

*(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare;*

*(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.*

*7. Any recommendation or report issued by the committee pursuant to subsection 6 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.*

***8. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof upon one or more of the grounds stated in subsection 6 of this section.***

***9. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 8 of this section shall be deemed approved by the general assembly and the secretary of state may publish such order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the order of rulemaking was filed with the secretary of state and the general assembly.***

***10. Upon adoption of such concurrent resolution as provided in subsection 8 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.***

***11. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly to review, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking pursuant thereto shall be invalid and void.***

***12. Nothing in this section shall prevent the general assembly from adopting by bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and any rule proposed therein shall be void and only such rules adopted by the general assembly and submitted to the governor may become effective. Rules so adopted shall be published by the secretary of state as soon as practicable. In that event, the secretary of state shall not publish the proposed order of rulemaking and such proposed order of rulemaking shall be invalid and void.***

***13. Upon adoption of any rule now in effect or hereafter promulgated, any such rule or portion thereof may be revoked by the general assembly either by bill, or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the committee on administrative rules upon the grounds listed in subsection 6 of this section. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.****"; and*

*Further amend the title and enacting clause accordingly.*

*Emergency Clause Defeated.*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***HB 831****, entitled:*

*An act to repeal section 89.320, RSMo 1994, relating to planning commissions, and to enact in lieu thereof one new section relating to the same subject.*

*With Senate Committee Amendment No. 1, Senate Amendment No. 1*

*Senate Committee Amendment No. 1*

*AMEND House Bill No. 831, Page 1, In the Title, Line 2, by striking "section 89.320" and inserting in lieu thereof the following: "sections 70.385, 70.390 and 89.320"; and further amend line 3, by striking "one new section" and inserting in lieu thereof the following: "three new sections"; and*

*Further amend said bill, page 1, section A, line 1, by striking "section 89.320" and inserting in lieu thereof the following: "sections 70.385, 70.390 and 89.320"; and further amend said line, by striking the word "is" and inserting in lieu thereof the word "are"; and further amend said line, by striking "one new section" and inserting in lieu thereof the following: "three new sections"; and further amend line 2, by striking "section 89.320" and inserting in lieu thereof the following: "sections 70.385, 70.390 and 89.320"; and further amend said line, by inserting immediately after said line the following:*

*"70.385. [Each appointment]* ***1. Two of the five appointments*** *made by the governor [under]* ***pursuant to*** *the provisions of section 70.380 shall be selected from a panel of three nominees[, submitted alternately as vacancies occur,]* ***submitted*** *by the mayor of St. Louis city [and]****. Two of the five appointments made by the governor pursuant to the provisions of section 70.380 shall be selected from a panel of three nominees submitted by*** *the county executive of St. Louis County.*

***2. The fifth appointment made by the governor pursuant to section 70.380 shall be selected from a panel of three nominees submitted alternately by the mayor of St. Louis city and the county executive of St. Louis County. The next appointment following August 28, 1997, shall be to fill the commissioner position described in this subsection and shall be made from three nominees submitted by the county executive of St. Louis County. The next appointment for the commissioner position described in this subsection shall be made from three nominees submitted by the mayor of St. Louis city whereupon the order of nomination and appointment for this position will repeat itself.***

***3. The order of the appointments made pursuant to subsection 1 of this section shall be as follows:***

***(1) One from the panel of nominees submitted by the mayor of St. Louis city;***

***(2) One from the panel of nominees submitted by the county executive of St. Louis County whereupon the order of such appointments shall repeat itself.***

***4.*** *Whenever the mayor or the county executive submits a panel of three nominees, they shall adhere to the intent set forth in the provisions of subsection 2 of section 213.020, RSMo.*

*70.390. Of the commissioners first appointed one shall be appointed to serve for a term of one year, one for two years, one for three years, one for four years and one for five years. At the expiration of the term of each commissioner and of each succeeding commissioner, the governor shall, by and with the advice and consent of the senate, appoint a successor who shall hold office for a term of five years* ***if such successor is appointed to fill a commissioner position described in subsection 1 of this section. If a commissioner is appointed to fill the commissioner position described in subsection 2 of this section, then such commissioner shall hold office for a term of three years****. Each commissioner shall hold office until his* ***or her*** *successor has been appointed and qualified."*

*Senate Amendment No. 1*

*AMEND House Bill No. 831, Page 1, Section 89.320, Line 9, by inserting immediately after said line the following:*

*"****Section 1. 1. Any city that maintains the city engineer or other similar city official on the planning commission shall have the authority to place any restriction upon the height, spacing and lighting of outdoor advertising structures more restrictive than sections 226.500 to 226.600 RSMo.***

***2. No city that elects to govern outdoor advertising structures as provided in subsection 1 shall have the authority to impose a fee of more than five hundred dollars for the initial inspection of an outdoor advertising structure, nor may the city impose a business tax on an outdoor advertising structure of more than one hundred dollars per year.****", and*

*Further amend the title and enacting clause accordingly.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***SS HCS HB 641 & 593****, entitled:*

*An act repeal sections 160.011, 160.021, 162.970, 162.975 and 162.980, RSMo 1994, and section 167.126, RSMo Supp. 1996, relating to state aid for special education programs, and to enact in lieu thereof six new sections relating to the same subject.*

*With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5 as amended, Senate Amendment No. 6, Senate Amendment No. 8*

*Senate Amendment No. 1*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 8, Section 167.126, Line 9, by inserting immediately before all of said line the following:*

*"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.*

*2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund.*

*3. Tuition shall be paid from either the teachers' or incidental funds.*

*4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and*

*the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.*

*5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:*

*(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;*

*(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;*

*(3) Set tax rates pursuant to section 164.011, RSMo;*

*(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;*

*(5) In order to be eligible to transfer funds for paying lease purchase obligations:*

*(a) Incur such obligations* ***, except for obligations for lease purchase for school buses,*** *prior to January 1, 1997;*

*(b) Limit the term of such obligations to no more than twenty years;*

*(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;*

*(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and*

*(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.*

*6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:*

*(1) Prior to August 28, 1993:*

*(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;*

*(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or*

*(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or*

*(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.*

*7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects funds an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.*

*8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section.*

*9. On or before June 30, 1995, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the teachers' and incidental fund unrestricted balances on June 30, 1995, are equal to or greater than eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995."; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 2*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 5, Section 162.975, Line 19, by placing a "[" after the ";" on line 19, and a "]" after the "." on line 21, and insert immediately after the closing bracket "**who are in compliance with section 167.031.**" ; and*

*Further amend said bill, Page 6, Line 8, by placing a "[" after the ";" and a "]" after the "." on line 10, and insert immediately after the closing bracket "**who are in compliance with section 167.031.**"*

*Senate Amendment No. 3*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 17, Section 162.980, Line 12, by inserting immediately after said line the following:*

*"163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the district's equalized operating levy for school purposes as defined in section 163.011 multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection.*

*2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor **plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year**; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the*

*department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.*

*3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent times the guaranteed tax base per eligible pupil times the minimum value for an operating levy for school purposes as provided in section 163.011 times the proration factor; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.*

*4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.*

*5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.*

*(2) Beginning with the 1993-94 school year, the revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section; plus the product of the current assessed valuation of the district multiplied by the following tax rate - the greater of zero or the minimum rate required by subsection 2 of section 163.021 minus the district's equalized operating levy for school purposes for 1993, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section.*

*(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.*

*(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-*

*five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.*

*(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.*

*6. State aid shall be determined as follows:*

*District Entitlement*

*1. Number of eligible pupils x (district's equalized operating levy for school purposes) x (proration x GTB per EP)..... $.....*

*Deductions*

*2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes* ***plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year*** *.... $.....*

*3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes) ..... $.....*

*4. Receipts from state assessed railroad and utility tax (100% of the amount received the previous*

*year for school purposes) ..... $.....*

*5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes) ..... $.....*

*6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less $50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90% ..... $.....*

*7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087, RSMo ..... $.....*

*8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo ..... $.....*

*9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo ..... $.....*

*10. Total deductions (sum of lines 2-9) ..... $.....*

*Categorical Add-ons*

*11. The amount distributed pursuant to section 163.161 x proration ..... $.....*

*12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration ..... $.....*

*13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration ..... $.....*

*14. Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, RSMo, x .20 x GTB per EP x the minimum value for an operating levy for school purposes as provided in section 163.011 x proration ..... $.....*

*15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration ..... $.....*

*16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration ..... $.....*

*17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration ..... $.....*

*18. Sum of categorical add-ons for the district (sum of lines 11-17)..... $.....*

*19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) ..... $.....*

*7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.*

*163.036. 1. In computing the amount of state aid a school district is entitled to receive under section 163.031, a school district may use an estimate of the number of eligible pupils for the ensuing year or the number of eligible pupils for the immediately preceding year whichever is greater. Any error made in the apportionment of state aid because of a difference between the actual number of eligible pupils and the estimated number of eligible pupils shall be corrected as provided in section 163.091, except that if the amount paid to a district estimating eligible pupils exceeds the amount to which the district was actually entitled by more than five percent, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.*

*2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law, the state board of education shall make an adjustment for the immediately preceding year for any increase in the actual number of eligible pupils above the number on which the state aid in section 163.031 was calculated. Said adjustment shall be made in the manner providing for correction of errors under subsection 1 of this section.*

***3. For the purposes of distribution of state school aid pursuant to section 163.031, RSMo, a school district may elect to use the district's equalized assessed valuation for the preceding year, or an estimate of the current year's assessed valuation if the current year's equalized assessed valuation is estimated to be more than ten percent less than the district's equalized assessed valuation for the preceding year. A district shall give prior notice to the department of its intention to use the current year's assessed valuation pursuant to this subsection. Any error made in the apportionment of state aid because of a difference between the actual equalized assessed valuation for the current year and the estimated equalized assessed valuation for the current year shall be corrected as provided in section 163.091, RSMo, except that if the amount paid to a district estimating***

***current equalized assessed valuation exceeds the amount to which the district was actually entitled, interest at the rate of six percent shall be charged on the excess and shall be added to the amount to be deducted from the district's apportionment the next succeeding year.***"; *and*

*Further amend said bill, page 1, in the title, line 4, by striking the word "special"; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 4*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 13, Section 2, Line 6, by adding one new section immediately after said line the following:*

*Section 1. 1. Any person serving as a member of a board or commission may indicate that such member wishes to contribute all or any part of the diem or expense reimbursement received for such service on the board or commission to a fund to be administered by the division of youth services for the counseling, treatment and therapy of children who have been sexually, physically or emotionally abused. The office of administration shall design vouchers for the payment of the per diem or expense reimbursement to allow the person to designate if all or part of the money the person is entitled to receive is to be deposited in the "Youth Services Treatment Fund", which is hereby created in the state treasury. All per diem and expense reimbursement amounts which are contributed shall be deposited with the state treasurer in the fund. The division of youth services advisory board created in chapter 219, RSMo, shall make recommendations to the governor and the department of social services for the expenditure of the money in the fund.*

*2. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the general revenue fund.; and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 5*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 11, Section 167.126, Line 26, of said page, by inserting immediately after all of said line the following:*

*"167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.*

*2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.*

*3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing.* ***Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, RSMo, provided that appropriate due process procedures shall be observed which shall include the right for a***

***direct appeal for a de novo review by the circuit court.***"; *and*

*Further amend the title and enacting clause accordingly.*

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 5*

*AMEND Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 2, Line 22, by striking the words "For a direct appeal" and insert between "a" and "denovo" the word "trial" and by striking the word "Review"*

*Senate Amendment No. 6*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 3, Section 162.975, Line 1 by adding immediately before said line the following:*

*"160.522. 1. By July 1, 1996, the state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis. The school district reports shall be distributed to all media outlets serving the district, and shall be made available to all district patrons, and to each member of the general assembly representing a legislative district which contains a portion of the school district.*

*2. The department of elementary and secondary education shall develop multiple reporting models which may be used by school districts for their public reports. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and for each building in the district* ***which has pupils at the same grade level as another building in the district****, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, extracurricular activities offered and the costs associated with each activity, the number of students eligible for free or reduced lunch, school calendar information, including the number of days and hours for student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement.*

*3. The public reporting shall permit the disclosure of data on a school by school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.*

*4. Beginning July 1, 1996, the annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform."; and*

*Further amend said bill, by amending the title and enacting clause accordingly.*

*Senate Amendment No. 8*

*AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 8, Section 162.975,*

*Line 8 of said page by inserting immediately after said line the following:*

*"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first[, second or third]* ***or second*** *degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.* ***In instances when any person is believed to have committed an act which if committed by an adult would be assault in the third degree, the principal may determine whether the act is of such a serious nature that it should be reported to the superintendent or the appropriate local law enforcement agency or both.***

*2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed*

*In which the concurrence of the House is respectfully requested.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in* ***HCS SS SCS SB 165 as amended****, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on* ***HS HCS SCS SB 89 as amended****, and has taken up and passed* ***CCS HS HCS SCS SB 89****.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on* ***HS HCS SB 218****, and has taken up and passed* ***CCS HS HCS SB 218****.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on* ***HS HCS SCS SB 141 as amended****, and has taken up and passed* ***CCS HS HCS SCS SB 141****.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed* ***HS HB 389****, entitled:*

*An act to repeal section 301.143, RSMo 1994, and sections 301.142 and 302.302, RSMo Supp. 1996, relating to parking for the physically disabled, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.*

*With Senate Committee Amendment No. 1, Senate Committee Amendment No. 2, Senate Amendment No. 1*

*Senate Committee Amendment No. 1*

*AMEND House Substitute for House Bill No. 389, Page 5, Section 301.142, Line 131, by striking the following: "or current"; and*

*Further amend said bill, Page 8, Section 302.302, Lines 65 to 67, by striking all of said lines.*

*Senate Committee Amendment No. 2*

*AMEND House Substitute for House Bill No. 389, Page 5, Section 301.143, Line 22, by inserting an opening bracket "[" immediately before the word "in" and a closing bracket "]" immediately after the word "background"; and*

*Further amend said bill and section, Page 6, Line 33, by inserting an opening bracket "[" immediately before the word "in" and a closing bracket "]" immediately after the word "background".*

*Senate Amendment No. 1*

*AMEND House Substitute for House Bill No. 389, Page 8, Section 302.302, Line 67, by adding after the end of said line the following:*

*304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:*

*(1) All-terrain vehicles owned and operated by a governmental entity for official use;*

*(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;*

***(3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;***

*[(3)]* ***(4)*** *Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;*

*[(4)]* ***(5)*** *Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.*

*2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.*

*3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license,* ***except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section,*** *but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.*

*4. No person shall operate an all-terrain vehicle:*

*(1) In any careless way so as to endanger the person or property of another;*

*(2) While under the influence of alcohol or any controlled substance;*

*(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.*

*5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.*

*6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.*

***And further amend said bill by amending the title and enacting clause accordingly.***

*In which the concurrence of the House is respectfully requested.*

***BILLS IN CONFERENCE***

***SS SCS HS HCS HB 335, as amended****, relating to managed care, was taken up by Representative Harlan.*

*On motion of Representative Harlan, Conference Committee was dissolved, and* ***SS SCS HS HCS HB 335, as amended,*** *was adopted by the following vote:*

*AYES: 143*

*Akin Alter Backer Barnett 4 Barry 100*

*Bartelsmeyer Bauer Bennett 15 Berkstresser Bland*

*Bonner Boucher Bray 84 Broach Campbell*

*Carter Champion Chrismer Cierpiot Clayton*

*Copeland Crawford Crump Daniel 42 Daniels 41*

*Davis 63 Davis 122 Days DeMarce Dolan*

*Donovan Dougherty Edwards-Pavia Elliott Enz*

*Evans Farmer Farnen Fitzwater Foley*

*Ford Foster Franklin Fritts Gaskill*

*Gibbons Goward Graham 24 Graham 106 Gratz*

*Green Griesheimer Gross Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Hohulin Hollingsworth Hoppe*

*Hosmer Howerton Johnson Kasten Kauffman*

*Kelley 47 Kennedy Kissell Koller Kreider*

*Lakin Lawson Leake Legan Levin*

*Lograsso Long Luetkenhaus Lumpe Marble*

*May 108 Mays 50 McBride McClelland McLuckie*

*Miller Monaco Murray Naeger Nordwald*

*O'Connor O'Toole Ostmann Overschmidt Patek*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Skaggs Smith Steen*

*Stokan Stoll Stroker Summers Surface*

*Tate Thomason 163 Thompson 37 Townley Van Zandt*

*Vogel Wannenmacher Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 015*

*Auer Ballard Boatright Burton Cooper*

*Froelker Gaston Gunn Linton Loudon*

*Merideth Murphy Pouche Treadway Troupe*

*PRESENT: 000*

*ABSENT WITH LEAVE: 005*

*Hand Holand Kelly 27 Liese Parker*

*On motion of Representative Harlan,* ***SS SCS HS HCS HB 335, as amended,*** *was truly agreed to and finally passed by the following vote:*

*AYES: 140*

*Akin Alter Backer Barnett 4 Barry 100*

*Bartelsmeyer Bauer Bennett 15 Berkstresser Bland*

*Boatright Bonner Boucher Bray 84 Broach*

*Campbell Carter Champion Chrismer Cierpiot*

*Clayton Copeland Crump Daniels 41 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farmer Farnen Fitzwater Foley Ford*

*Franklin Fritts Froelker Gaskill Gaston*

*Gibbons Goward Graham 24 Graham 106 Gratz*

*Griesheimer Gross Hagan-Harrell Hall Harlan*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson*

*Hickey Hohulin Holand Hollingsworth Hoppe*

*Hosmer Howerton Johnson Kasten Kauffman*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lakin Lawson Legan Levin*

*Lograsso Long Lumpe May 108 Mays 50*

*McBride McClelland McLuckie Merideth Miller*

*Monaco Murray Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Pryor*

*Purgason Ransdall Reinhart Relford Reynolds*

*Richardson Ridgeway Robirds Ross Sallee*

*Scheve Schilling Schwab Scott Seigfreid*

*Shear Sheldon 104 Shelton 57 Shields Skaggs*

*Smith Steen Stokan Stoll Stroker*

*Summers Surface Tate Thomason 163 Thompson 37*

*Townley Van Zandt Vogel Wannenmacher Wiggins*

*Williams 121 Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 015*

*Ballard Burton Cooper Crawford Foster*

*Gunn Linton Loudon Marble Murphy*

*Patek Pouche Secrest Treadway Troupe*

*PRESENT: 001*

*Auer*

*ABSENT WITH LEAVE: 007*

*Daniel 42 Green Hand Leake Liese*

*Luetkenhaus Rizzo*

*Speaker Pro Tem Kreider declared the bill passed.*

*On motion of Representative Johnson, title to the bill was agreed to.*

*Representative Hoppe moved that the vote by which the bill passed be reconsidered.*

*Representative Farmer moved that motion lay on the table.*

*The latter motion prevailed.*

***HOUSE BILLS WITH SENATE AMENDMENTS***

***SS SCS HS HB 850**, relating to administrative rules, was taken up by Representative Kelly (27).*

*On motion of Representative Kelly (27), **SS SCS HS HB 850** was adopted by the following vote:*

*AYES: 153*

*Akin Alter Backer Ballard Barnett 4*

*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*

*Bland Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Crump Daniel 42 Daniels 41 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farmer Farnen Fitzwater Ford Foster*

*Franklin Fritts Froelker Gaskill Gaston*

*Goward Graham 24 Graham 106 Gratz Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Hohulin Holand Hollingsworth*

*Hoppe Howerton Johnson Kasten Kauffman*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lakin Lawson Leake Legan*

*Levin Linton Lograsso Loudon Luetkenhaus*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland Merideth Miller Monaco Murphy*

*Murray Naeger Nordwald O'Connor O'Toole*

*Ostmann Overschmidt Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Robirds Ross*

*Scheve Schilling Schwab Scott Secrest*

*Seigfreid Shear Sheldon 104 Shelton 57 Shields*

*Skaggs Smith Steen Stokan Stoll*

*Stroker Summers Surface Tate Thomason 163*

*Thompson 37 Townley Treadway Troupe Van Zandt*

*Vogel Wannenmacher Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 001*

*Auer*

*PRESENT: 000*

*ABSENT WITH LEAVE: 009*

*Foley Gibbons Hand Hosmer Liese*

*Long McLuckie Rizzo Sallee*

*On motion of Representative Kelly (27),* ***SS SCS HS HB 850*** *was truly agreed to and finally passed by the following vote:*

*AYES: 154*

*Akin Alter Backer Ballard Barnett 4*

*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*

*Bland Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Crump Daniels 41 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Dougherty*

*Edwards-Pavia Elliott Enz Evans Farmer*

*Farnen Fitzwater Ford Foster Franklin*

*Fritts Froelker Gaskill Gaston Gibbons*

*Goward Graham 24 Graham 106 Gratz Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Hohulin Holand Hollingsworth*

*Hoppe Hosmer Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kennedy Kissell*

*Koller Kreider Lakin Lawson Leake*

*Legan Levin Linton Lograsso Loudon*

*Luetkenhaus Lumpe Marble May 108 Mays 50*

*McBride McClelland McLuckie Merideth Miller*

*Monaco Murphy Murray Naeger Nordwald*

*O'Connor O'Toole Ostmann Overschmidt Parker*

*Patek Pouche Pryor Purgason Ransdall*

*Reinhart Relford Reynolds Richardson Ridgeway*

*Robirds Ross Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Skaggs Smith Steen*

*Stokan Stoll Stroker Summers Surface*

*Tate Thomason 163 Thompson 37 Townley Treadway*

*Troupe Van Zandt Vogel Wannenmacher Williams 121*

*Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 001*

*Auer*

*PRESENT: 000*

*ABSENT WITH LEAVE: 008*

*Daniel 42 Foley Hand Liese Long*

*Rizzo Sallee Wiggins*

*Speaker Pro Tem Kreider declared the bill passed.*

*The emergency clause was adopted by the following vote:*

*AYES: 149*

*Akin Alter Backer Barnett 4 Barry 100*
*Bartelsmeyer Bauer Bennett 15 Berkstresser Bland*
*Boatright Bonner Boucher Bray 84 Broach*
*Burton Campbell Carter Champion Chrismer*
*Cierpiot Clayton Cooper Copeland Crawford*
*Crump Daniels 41 Davis 63 Davis 122 Days*
*DeMarce Dolan Donovan Dougherty Edwards-Pavia*
*Elliott Enz Evans Farmer Farnen*
*Fitzwater Foley Ford Foster Franklin*
*Fritts Froelker Gaskill Gaston Gibbons*
*Goward Graham 24 Graham 106 Gratz Green*
*Griesheimer Gross Gunn Hagan-Harrell Hall*
*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*
*Hendrickson Hickey Holand Hollingsworth Hoppe*
*Hosmer Howerton Johnson Kasten Kauffman*
*Kelley 47 Kelly 27 Kennedy Kissell Koller*
*Kreider Lakin Lawson Leake Legan*
*Levin Linton Lograsso Loudon Luetkenhaus*
*Lumpe Marble May 108 McBride McClelland*
*Merideth Miller Monaco Murphy Murray*
*Naeger Nordwald O'Connor O'Toole Ostmann*
*Overschmidt Parker Patek Pouche Pryor*
*Purgason Ransdall Reinhart Relford Reynolds*
*Richardson Ridgeway Robirds Ross Scheve*
*Schilling Schwab Scott Secrest Seigfreid*
*Shear Sheldon 104 Shelton 57 Shields Skaggs*
*Smith Stoll Stroker Summers Surface*
*Tate Thomason 163 Townley Treadway Troupe*
*Van Zandt Vogel Wannenmacher Wiggins Williams 121*
*Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 003*

*Auer Hohulin Steen*

*PRESENT: 000*

*ABSENT WITH LEAVE: 011*

*Ballard Daniel 42 Hand Liese Long*

*Mays 50 McLuckie Rizzo Sallee Stokan*

*Thompson 37*

*On motion of Representative Dougherty, title to the bill was agreed to.*

*Representative Clayton moved that the vote by which the bill passed be reconsidered.*

*Representative Carter moved that motion lay on the table.*

*The latter motion prevailed.*

***THIRD READING OF SENATE BILLS***

***SCS SB 319, with House Committee Amendment No. 1**, relating to newborn testing, was taken up by Representative Carter and placed on the Informal Calendar.*

***SB 171**, relating to architectural liens, was taken up by Representative May (108).*

*Representative Dougherty offered House Amendment No. 1.*

*House Amendment No. 1*

*AMEND Senate Bill No. 171, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the following: "sections 327.101 and"; and*

*Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and*

*Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:*

*"Section A. Sections 327.101 and 429.015, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 327.101 and 429.015, to read"; and*

*Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:*

*"327.101. No person shall practice architecture in Missouri as defined in section 327.091 unless and until there is issued to [him] **the person** a certificate of registration or a certificate of authority certifying that [he] **the person** has been duly registered as an architect or authorized to practice architecture, in Missouri, and unless such certificate has been renewed as hereinafter specified; provided, however, that nothing in this chapter shall apply to the following persons:*

*(1) Any person who is an employee of a person holding a currently valid certificate of registration as an architect or who is an employee of any person holding a currently valid certificate of authority [under] **pursuant to** this chapter, and who performs architectural work under the direction and continuing supervision of and is checked by one holding a currently valid certificate of registration as an architect [under] **pursuant to** this chapter;*

*(2) Any person who is a regular full-time employee who performs architectural work for [his] **the person's** employer if and only if all such work and service so performed is in connection with a facility owned or wholly operated by the employer and which is occupied by the employer of the employee performing such work or service, and if and only if such work and service so performed do not endanger the public health or safety;*

*(3) Any holder of a currently valid certificate as a registered professional engineer who performs only such architectural work as is incidental and necessary to the completion of engineering work lawfully being performed by such registered professional engineer;*

*(4) Any person who is a landscape architect, city planner or regional planner who performs work consisting only of consultations concerning and preparation of master plans for parks, land areas or communities, or the preparation of plans for and the supervision of the planting and grading or the construction of walks and paving for parks or land areas and such other minor structural features as fences, steps, walls, small decorative pools and other construction not involving structural design or stability and which is usually and customarily included within the area of work of a landscape architect or planner;*

*(5) Any person who renders architectural services in connection with the construction, remodeling or repairing of any privately owned building described in paragraphs (a), (b), (c), (d), and (e) which follow, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that [he]* ***the person*** *is not a registered architect:*

*(a) A dwelling house; or*

*(b) A multiple family dwelling house, flat or apartment containing not more than two families; or*

*(c) A commercial or industrial building or structure which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or*

*(d) Any one structure containing less than twenty thousand cubic feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or*

*(e) A building or structure used exclusively for farm purposes[.]****;***

***(6) Any person who renders architectural services in connection with the remodeling or repairing of any privately owned building described in paragraphs (a), (c), (d) and (e) of subdivision (5) of this section or for a multiple family dwelling house, flat or apartment containing not more than four families, and who indicates on any drawings, specifications, estimates, reports or other documents furnished in connection with such services that the person is not a registered architect.****".*

*On motion of Representative Dougherty, House Amendment No. 1 was adopted by the following vote:*

*AYES: 156*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Cierpiot Clayton Cooper*

*Copeland Crawford Crump Daniel 42 Daniels 41*

*Davis 63 Davis 122 DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farmer Farnen Fitzwater Foley Ford*

*Foster Franklin Fritts Froelker Gaskill*

*Gaston Gibbons Goward Graham 24 Graham 106*

*Gratz Green Griesheimer Gross Gunn*

*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Hohulin*

*Holand Hollingsworth Hoppe Hosmer Howerton*

*Johnson Kasten Kauffman Kelley 47 Kelly 27*

*Kennedy Kissell Koller Kreider Lakin*

*Lawson Leake Legan Levin Linton*

*Lograsso Loudon Luetkenhaus Lumpe Marble*

*May 108 Mays 50 McBride McClelland McLuckie*

*Merideth Miller Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Patek Pouche Purgason Ransdall*

*Reinhart Relford Reynolds Richardson Ridgeway*

*Rizzo Robirds Ross Sallee Scheve*

*Schilling Schwab Scott Secrest Seigfreid*

*Shear Sheldon 104 Shelton 57 Shields Skaggs*

*Smith Steen Stokan Stoll Stroker*

*Summers Surface Tate Thomason 163 Townley*

*Treadway Troupe Van Zandt Vogel Wannenmacher*

*Wiggins Williams 121 Williams 159 Wilson Wooten*

*Mr. Speaker*

*NOES: 000*

*PRESENT: 000*

*ABSENT WITH LEAVE: 007*

*Days Hand Liese Long Parker*

*Pryor Thompson 37*

*Representatiave Scheve assumed the Chair.*

*Representative Murphy offered House Amendment No. 2.*

*House Amendment No. 2*

*AMEND Senate Bill No. 171, Page 4, Section 429.015, Line 86, by inserting after said line the following:*

*8) the agreement is in writing*

*On motion of Representative Murphy, House Amendment No. 2 was adopted.*

*On motion of Representative May (108),* ***SB 171, as amended*** *was read the third time and passed by the following vote:*

*AYES: 125*

*Auer Backer Barnett 4 Bauer Bennett 15*
*Bland Bonner Boucher Bray 84 Campbell*
*Carter Champion Chrismer Clayton Cooper*
*Copeland Crump Daniel 42 Daniels 41 Davis 63*
*Davis 122 Days DeMarce Dolan Donovan*
*Dougherty Edwards-Pavia Elliott Evans Farnen*
*Fitzwater Foley Foster Franklin Fritts*
*Gaskill Gaston Gibbons Goward Graham 24*
*Graham 106 Gratz Green Griesheimer Gross*
*Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124*
*Heckemeyer Hegeman Hickey Holand Hollingsworth*
*Hoppe Hosmer Johnson Kasten Kauffman*
*Kelley 47 Kennedy Koller Lakin Lawson*
*Leake Legan Levin Loudon Luetkenhaus*
*Lumpe May 108 Mays 50 McBride McClelland*
*McLuckie Merideth Monaco Murphy Murray*
*Naeger Nordwald O'Connor O'Toole Ostmann*
*Overschmidt Parker Pouche Pryor Purgason*
*Ransdall Reinhart Relford Reynolds Richardson*
*Rizzo Sallee Scheve Schilling Schwab*
*Seigfreid Shear Sheldon 104 Shelton 57 Shields*
*Skaggs Smith Steen Stokan Stoll*
*Stroker Surface Tate Thomason 163 Treadway*
*Troupe Van Zandt Vogel Wannenmacher Wiggins*
*Williams 121 Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 026*

*Akin Ballard Bartelsmeyer Berkstresser Boatright*
*Broach Cierpiot Crawford Enz Ford*
*Froelker Hall Hendrickson Hohulin Howerton*
*Kreider Linton Lograsso Marble Miller*
*Ridgeway Robirds Ross Scott Summers*
*Townley*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Alter Barry 100 Burton Farmer Hand*

*Kelly 27 Kissell Liese Long Patek*

*Secrest Thompson 37*

*Representative Scheve declared the bill passed.*

*On motion of Representative Bray, title to the bill was agreed to.*

*Representative Clayton moved that the vote by which the bill passed be reconsidered.*

*Representative Bonner moved that motion lay on the table.*

*The latter motion prevailed.*

*Speaker Pro Tem Kreider resumed the Chair.*

***HOUSE BILLS WITH SENATE AMENDMENTS***

***SS HS HB 811, as amended,*** *relating to healthy Missouri Children Corporation, was again taken up by Representative Lakin.*

*Representative Lakin again moved that the House refuse to adopt* ***SS HS HB 811, as amended,*** *and request the Senate to recede from its position or, failing to do so, grant the House a conference.*

*Which motion was adopted.*

***SCS HS HCS HB 361, as amended****, relating to landlord tenant, was taken up by Representative May (108).*

*On motion of Representative May (108),* ***SCS HS HCS HB 361, as amended,*** *was adopted by the following vote:*

*AYES: 148*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Daniel 42 Daniels 41 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Dougherty*

*Edwards-Pavia Elliott Enz Evans Farmer*

*Farnen Foster Franklin Fritts Froelker*

*Gaskill Gibbons Goward Graham 24 Graham 106*

*Gratz Green Griesheimer Gunn Hagan-Harrell*

*Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer*

*Hegeman Hendrickson Hickey Hohulin Holand*

*Hollingsworth Hoppe Hosmer Howerton Johnson*

*Kasten Kauffman Kelley 47 Kennedy Kissell*

*Koller Kreider Lakin Lawson Leake*

*Legan Levin Linton Long Loudon*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland McLuckie Merideth Miller Monaco*

*Murphy Murray Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Patek*

*Pouche Pryor Purgason Ransdall Reinhart*

*Relford Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Skaggs Smith Steen*

*Stokan Stoll Stroker Summers Tate*

*Thomason 163 Townley Treadway Troupe Van Zandt*

*Vogel Wannenmacher Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 003*

*Ford Reynolds Surface*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Bonner Crump Fitzwater Foley Gaston*

*Gross Hand Kelly 27 Liese Lograsso*

*Luetkenhaus Thompson 37*

*On motion of Representative May (108),* ***SCS HS HCS HB 361, as amended,*** *was truly agreed to and finally passed by the following vote:*

*AYES: 146*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bauer Bennett 15 Bland*

*Boatright Boucher Bray 84 Broach Burton*

*Campbell Carter Champion Chrismer Cierpiot*

*Clayton Cooper Copeland Crawford Crump*

*Daniel 42 Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Dolan Donovan Dougherty Edwards-Pavia*

*Elliott Enz Evans Farmer Farnen*

*Fitzwater Foster Franklin Fritts Froelker*

*Gaskill Gaston Gibbons Goward Graham 24*

*Graham 106 Gratz Griesheimer Gross Gunn*

*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Hohulin*

*Holand Hollingsworth Hoppe Hosmer Howerton*

*Johnson Kasten Kauffman Kelley 47 Kennedy*

*Kissell Koller Kreider Lawson Leake*

*Legan Levin Linton Long Loudon*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland McLuckie Merideth Miller Monaco*

*Murphy Murray Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Patek*

*Pouche Pryor Purgason Ransdall Reinhart*

*Relford Richardson Ridgeway Rizzo Robirds*

*Ross Scheve Schilling Schwab Scott*

*Secrest Seigfreid Shear Shelton 57 Shields*

*Skaggs Smith Steen Stokan Stoll*

*Stroker Summers Tate Thomason 163 Townley*

*Treadway Troupe Van Zandt Vogel Wannenmacher*

*Wiggins Williams 121 Williams 159 Wilson Wooten*

*Mr. Speaker*

*NOES: 005*

*Ford Kelly 27 Reynolds Sheldon 104 Surface*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Bartelsmeyer Berkstresser Bonner Foley Green*

*Hand Lakin Liese Lograsso Luetkenhaus*

*Sallee Thompson 37*

*Speaker Pro Tem Kreider declared the bill passed.*

*On motion of Representative Hollingsworth, title to the bill was agreed to.*

*Representative Koller moved that the vote by which the bill passed be reconsidered.*

*Representative Lawson moved that motion lay on the table.*

*The latter motion prevailed.*

***SCS HCS HB 557**, relating to economic development, was taken up by Representative Leake.*

*Representative Leake offered House Perfecting Amendment No. 1.*

*House Perfecting Amendment No. 1*

*AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 557, Page 10, Section 30.810, Line 3, by deleting the number "**30.769**" and inserting in lieu thereof the number "**30.767**"; and*

*Further amend said bill, Page 11, Section 348.015, Line 1, by deleting the number "348.005" and inserting in lieu thereof the following: "[348.005] **348.015**"; and*

*Further amend said bill, Page 14, Section 348.400, Line 22, by inserting immediately before the word "**as**" the word "**Lender**"; and*

*Further amend said bill, Page 17, Section 348.410, Line 5, by deleting the number "**7**" and inserting in lieu thereof the number "**5**".*

*On motion of Representative Leake, House Perfecting Amendment No. 1 was adopted.*

***SCS HCS HB 557, as amended**, was laid over.*

***BILLS CARRYING REQUEST MESSAGES***

***SB 358, with House Committee Amendments Nos. 1, 2, 3 and House Amendment Nos. 1, 2 and 3**, relating to release of records, was taken up by Representative Gratz.*

*Representative Gratz moved that the House refuse to recede from its position on **House Committee Amendment Nos. 1, 2 and 3 and House Amendment Nos. 1, 2 and 3** and grant the Senate a conference.*

*Which motion was adopted.*

***HS HCS HB 472, as amended, with Senate Amendment No. 1**, relating to employment security, was taken up by Representative Luetkenhaus.*

*Representative Luetkehaus moved that the Conference Committee be dissolved and request the Senate to recede from its position on Senate Amendment No. 1.*

*Which motion was adopted.*

***SB 67, as amended, with House Amendment No. 1, as amended,** relating to toll roads, was taken up by Representative Steen.*

*Representative Steen moved that the House recede from its position on House Amendment No. 1, as amended, to **SB 67, as amended.***

*Which motion was adopted.*

*On motion of Representative Steen, **SB 67, as amended** was truly agreed to and finally passed by the following vote:*

*AYES: 149*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Crump Daniel 42 Days DeMarce*

*Dolan Donovan Dougherty Edwards-Pavia Elliott*

*Enz Evans Farnen Fitzwater Foley*

*Ford Foster Franklin Fritts Froelker*

*Gaskill Gaston Gibbons Goward Graham 24*

*Graham 106 Gratz Griesheimer Gross Gunn*

*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Hohulin*

*Holand Hollingsworth Hoppe Hosmer Howerton*

*Johnson Kasten Kauffman Kelley 47 Kennedy*

*Kissell Koller Lakin Lawson Legan*

*Levin Linton Lograsso Loudon Luetkenhaus*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland McLuckie Merideth Miller Monaco*

*Murray Naeger Nordwald O'Connor O'Toole*

*Ostmann Overschmidt Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Skaggs Smith Steen*

*Stokan Stoll Stroker Summers Surface*

*Tate Thomason 163 Townley Treadway Troupe*

*Van Zandt Vogel Wannenmacher Wiggins Williams 121*

*Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 002*

*Davis 63 Murphy*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Carter Daniels 41 Davis 122 Farmer Green*

*Hand Kelly 27 Kreider Leake Liese*

*Long Thompson 37*

*Speaker Pro Tem Kreider declared the bill passed.*

*On motion of Representative Bonner, title to the bill was agreed to.*

*Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.*

*Representative Heckemeyer moved that motion lay on the table.*

*The latter motion prevailed.*

***SB 128, as amended, with House Amendment No. 2**, relating to loans, was taken up by Representative Copeland.*

*Representative Copeland moved that the House recede from House Amendment No. 2**.***

*Which motion was adopted.*

*On motion of Representative Copeland, **SB 128, as amended,** was truly agreed to and finally passed by the following vote:*

*AYES: 112*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Bartelsmeyer Bauer Bennett 15 Berkstresser*

*Boatright Boucher Broach Burton Champion*

*Chrismer Cooper Copeland Crawford Crump*

*Davis 122 DeMarce Dolan Donovan Dougherty*

*Edwards-Pavia Elliott Evans Farnen Fitzwater*

*Foley Ford Foster Franklin Fritts*

*Froelker Gaskill Gaston Gibbons Graham 106*

*Gratz Green Griesheimer Gross Hagan-Harrell*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey*

*Hohulin Holand Hollingsworth Hoppe Hosmer*

*Howerton Kasten Kelley 47 Lakin Lawson*

*Leake Legan Linton Long Loudon*

*Luetkenhaus Marble May 108 McBride McClelland*

*Merideth Miller Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Patek*

*Pouche Purgason Ransdall Reinhart Relford*

*Richardson Robirds Ross Sallee Scheve*

*Schwab Scott Secrest Seigfreid Shields*

*Skaggs Smith Steen Stokan Stoll*

*Summers Surface Tate Thomason 163 Townley*

*Treadway Troupe Vogel Wannenmacher Williams 159*

*Wooten Mr. Speaker*

*NOES: 041*

*Barry 100 Bland Bonner Bray 84 Campbell*

*Carter Cierpiot Clayton Daniel 42 Davis 63*

*Days Enz Goward Graham 24 Gunn*

*Hall Hendrickson Johnson Kauffman Kennedy*

*Kissell Koller Kreider Levin Lumpe*

*Mays 50 McLuckie Monaco Murphy Murray*

*Reynolds Ridgeway Rizzo Schilling Shear*

*Sheldon 104 Shelton 57 Stroker Van Zandt Wiggins*

*Wilson*

*PRESENT: 002*

*Pryor Williams 121*

*ABSENT WITH LEAVE: 008*

*Daniels 41 Farmer Hand Harlan Kelly 27*

*Liese Lograsso Thompson 37*

*Speaker Pro Tem Kreider declared the bill passed.*

*On motion of Representative Hollingsworth, title to the bill was agreed to.*

*Representative Green moved that the vote by which the bill passed be reconsidered.*

*Representative Gratz moved that motion lay on the table.*

*The latter motion prevailed.*

***HS SCS SBs 49, 213, 130, 32, 235 and 221, as amended,*** *relating to concealed weapons, was taken up by Representative Crump.*

*Representative Crump moved that the House refuse to recede from its position on* ***HS SCS SBs 49, 213, 130, 32, 235 and 221, as amended,*** *and grant the Senate a conference.*

*Which motion was adopted.*

***HOUSE BILLS WITH SENATE AMENDMENTS***

***HCS HB 288, with Senate Amendment No. 1 to Senate Committee Amendment No. 1, Senate Committee Amendment No. 1 as amended, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 1 to Senate Amendment No. 8 and Senate Amendment No. 8, as amended,*** *relating to public drinking water, was taken up by Representative Lumpe.*

*Representative Lumpe moved that the House refuse to concur in* ***Senate Amendment No. 1 to Senate Committee Amendment No. 1, Senate Committee Amendment No. 1 as amended, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 1 to Senate Amendment No. 8 and Senate Amendment No. 8, as amended,*** *and request the Senate to recede from its position, or failing to do so grant the House a conference.*

*Which motion was adopted.*

***SCS HCS HB 557****, relating to economic development, was again taken up by Representative Leake.*

*Representative Leake offered House Perfecting Amendment No. 2.*

*House Perfecting Amendment No. 2*

*AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 557, Page 19, Section 348.415, Line 9, by adding immediately after said line, the following:*

*"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.*

*2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.*

*3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.*

*4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.*

*5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.*

*Section 2. Any rule or portion of a rule promulgated pursuant to this bill shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo., if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."*

*And further amend the bill by amending the title and enacting clause accordingly.*

*On motion of Representative Leake, House Perfecting Amendment No. 2 was adopted.*

*On motion of Representative Leake,* ***SCS HCS HB 557, as amended,*** *was adopted by the following vote:*

*AYES: 146*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*
*Berkstresser Bland Boatright Bonner Boucher*
*Bray 84 Broach Burton Campbell Carter*
*Champion Chrismer Cierpiot Clayton Cooper*
*Copeland Crawford Daniel 42 Davis 63 Davis 122*
*Days DeMarce Donovan Dougherty Edwards-Pavia*
*Enz Evans Farnen Fitzwater Foley*
*Ford Foster Franklin Fritts Froelker*
*Gaskill Gaston Gibbons Goward Graham 24*
*Graham 106 Gratz Griesheimer Gross Gunn*
*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*
*Heckemeyer Hegeman Hickey Hohulin Holand*
*Hollingsworth Hoppe Hosmer Howerton Johnson*
*Kasten Kauffman Kelley 47 Kelly 27 Kennedy*
*Kissell Koller Kreider Lakin Lawson*
*Leake Legan Levin Linton Long*
*Loudon Luetkenhaus Marble May 108 Mays 50*
*McBride McClelland McLuckie Merideth Miller*
*Murray Naeger Nordwald O'Connor O'Toole*
*Ostmann Overschmidt Parker Patek Pouche*
*Pryor Purgason Ransdall Reinhart Relford*
*Reynolds Richardson Ridgeway Rizzo Robirds*
*Ross Sallee Scheve Schwab Scott*
*Secrest Shear Sheldon 104 Shelton 57 Shields*
*Skaggs Smith Steen Stokan Stoll*
*Stroker Summers Surface Tate Thomason 163*
*Townley Treadway Troupe Van Zandt Vogel*
*Wiggins Williams 121 Williams 159 Wilson Wooten*
*Mr. Speaker*

*NOES: 003*

*Green Murphy Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 014*

*Crump Daniels 41 Dolan Elliott Farmer*
*Hand Hendrickson Liese Lograsso Lumpe*

*Monaco Schilling Seigfreid Thompson 37*

*On motion of Representative Leake,* ***SCS HCS HB 557, as amended,*** *was read the third time and passed by the following vote:*

*AYES: 147*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Cierpiot Clayton Cooper*

*Copeland Crawford Daniel 42 Davis 63 Davis 122*

*Days DeMarce Donovan Dougherty Edwards-Pavia*

*Enz Evans Farnen Fitzwater Foley*

*Ford Foster Franklin Fritts Froelker*

*Gaskill Gaston Gibbons Goward Graham 24*

*Graham 106 Gratz Griesheimer Gross Gunn*

*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Holand*

*Hollingsworth Hoppe Hosmer Howerton Johnson*

*Kasten Kauffman Kelley 47 Kennedy Kissell*

*Koller Lakin Lawson Leake Legan*

*Levin Linton Long Loudon Luetkenhaus*

*Marble May 108 Mays 50 McBride McClelland*

*McLuckie Merideth Miller Monaco Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Parker Patek Pouche Pryor*

*Purgason Ransdall Reinhart Relford Reynolds*

*Richardson Ridgeway Rizzo Robirds Ross*

*Sallee Scheve Schilling Schwab Scott*

*Secrest Seigfreid Shear Sheldon 104 Shelton 57*

*Shields Skaggs Smith Steen Stokan*

*Stoll Stroker Summers Surface Tate*

*Thomason 163 Townley Treadway Troupe Van Zandt*

*Vogel Wiggins Williams 121 Williams 159 Wilson*

*Wooten Mr. Speaker*

*NOES: 003*

*Green Murphy Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Crump Daniels 41 Dolan Elliott Farmer*

*Hand Hohulin Kelly 27 Kreider Liese*

*Lograsso Lumpe Thompson 37*

*Speaker Pro Tem Kreider declared the bill passed.*

*On motion of Representative Overschmidt, title to the bill was agreed to.*

*Representative DeMarce moved that the vote by which the bill passed be reconsidered.*

*Representative Clayton moved that motion lay on the table.*

*The latter motion prevailed.*

***BILLS CARRYING REQUEST MESSAGES***

***HCS SS SCS SB 165, as amended,*** *relating to economic development, was taken up by Representative Rizzo.*

*Representative Rizzo moved that the House refuse to recede from its position on* ***HCS SS SCS SB 165, as amended,*** *and grant the Senate a conference.*

*Which motion was adopted.*

***HOUSE BILL WITH SENATE AMENDMENTS***

***SS HB 578****, relating to state income tax, was taken up by Representative Williams (121).*

*Representative Williams (121) offered House Perfecting Amendment No. 1.*

*House Perfecting Amendment No. 1*

*AMEND Senate Substitute for House Bill No. 578, Page 3, Section 1, Line 96, by adding immediately after said line, the following:*

*"Section 1. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.*

*2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.*

*3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.*

*4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in Chapter 536 including any subsequent amendments to Chapter 536.*

*5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this Act.*

*Section 2. Any rule or portion of a rule promulgated pursuant to this bill shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo., if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."*

*And further amend the bill by amending the title and enacting clause accordingly.*

*On motion of Representative Williams (121), House Perfecting Amendment No. 1 was adopted.*

*On motion of Representative Williams (121),* ***SS HB 578, as amended,*** *was adopted by the following vote:*

*AYES: 150*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Cierpiot Clayton Cooper*

*Copeland Crawford Crump Daniel 42 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farnen Fitzwater Foley Ford Foster*

*Franklin Fritts Froelker Gaskill Gaston*

*Gibbons Goward Graham 24 Graham 106 Gratz*

*Green Griesheimer Gross Gunn Hagan-Harrell*

*Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer*

*Hegeman Hendrickson Hickey Hohulin Hollingsworth*

*Hoppe Hosmer Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kennedy Kissell*

*Koller Kreider Lakin Lawson Leake*

*Legan Levin Linton Long Loudon*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland McLuckie Merideth Miller Monaco*

*Murray Naeger Nordwald O'Connor O'Toole*

*Ostmann Overschmidt Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Ross*

*Sallee Scheve Schilling Schwab Scott*

*Secrest Seigfreid Shear Sheldon 104 Shelton 57*

*Shields Skaggs Smith Steen Stokan*

*Stroker Summers Surface Tate Thomason 163*

*Troupe Van Zandt Vogel Wannenmacher Wiggins*

*Williams 121 Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 004*

*Murphy Robirds Townley Treadway*

*PRESENT: 000*

*ABSENT WITH LEAVE: 009*

*Daniels 41 Farmer Hand Holand Liese*

*Lograsso Luetkenhaus Stoll Thompson 37*

*On motion of Representative Williams (121),* ***SS HB 578, as amended,*** *was read the third time and passed by the following vote:*

*AYES: 145*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Cierpiot Clayton Cooper*

*Copeland Crawford Crump Daniel 42 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Elliott Enz Evans Farnen*

*Fitzwater Foley Ford Foster Franklin*

*Fritts Froelker Gaskill Gaston Gibbons*

*Goward Graham 24 Graham 106 Green Griesheimer*

*Gross Gunn Hagan-Harrell Hall Harlan*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson*

*Hickey Hollingsworth Hoppe Hosmer Howerton*

*Johnson Kasten Kauffman Kelley 47 Kelly 27*

*Kennedy Kissell Koller Kreider Lakin*

*Lawson Leake Legan Levin Linton*

*Long Loudon Lumpe Marble May 108*

*Mays 50 McBride McClelland McLuckie Merideth*

*Miller Monaco Murray Naeger Nordwald*

*O'Connor O'Toole Ostmann Overschmidt Parker*

*Patek Pouche Pryor Purgason Ransdall*

*Reinhart Relford Richardson Ridgeway Rizzo*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Skaggs Smith Steen*

*Stokan Stroker Summers Surface Tate*

*Thomason 163 Troupe Van Zandt Vogel Wannenmacher*

*Williams 121 Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 005*

*Hohulin Murphy Robirds Townley Treadway*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Daniels 41 Edwards-Pavia Farmer Gratz Hand*

*Holand Liese Lograsso Luetkenhaus Reynolds*

*Stoll Thompson 37 Wiggins*

*Speaker Pro Tem Kreider declared the bill passed.*

*On motion of Representative Bauer, title to the bill was agreed to.*

*Representative Boucher moved that the vote by which the bill passed be reconsidered.*

*Representative Copeland moved that motion lay on the table.*

*The latter motion prevailed.*

***BILLS IN CONFERENCE***

***CCR HCS SB 387**, relating to partition sales, was taken up by Representative Smith.*

*On motion of Representative Smith, **CCR HCS SB 387** was adopted by the following vote:*

*AYES: 152*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser*

*Bland Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Crump Daniel 42 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Dougherty*

*Edwards-Pavia Elliott Enz Evans Farmer*

*Farnen Foley Ford Foster Franklin*

*Fritts Froelker Gaskill Gaston Gibbons*

*Goward Graham 24 Graham 106 Gratz Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Hohulin Holand Hollingsworth*

*Hoppe Hosmer Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kennedy Kissell*

*Koller Kreider Lakin Lawson Leake*

*Levin Linton Long Loudon Lumpe*

*Marble May 108 Mays 50 McBride McClelland*

*McLuckie Merideth Miller Monaco Murphy*

*Murray Naeger Nordwald O'Connor O'Toole*

*Ostmann Overschmidt Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Skaggs Smith Steen*

*Stokan Stoll Stroker Summers Surface*

*Tate Townley Treadway Troupe Van Zandt*

*Vogel Wannenmacher Wiggins Williams 159 Wilson*

*Wooten Mr. Speaker*

*NOES: 000*

*PRESENT: 000*

*ABSENT WITH LEAVE: 011*

*Bauer Daniels 41 Fitzwater Hand Legan*

*Liese Lograsso Luetkenhaus Thomason 163 Thompson 37*

*Williams 121*

*On motion of Representative Smith,* ***CCS HCS SB 387*** *was truly agreed to and finally passed by the following vote:*

*AYES: 150*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Cierpiot Clayton Cooper*

*Copeland Crawford Crump Daniel 42 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farnen Fitzwater Foley Ford Foster*

*Franklin Fritts Froelker Gaskill Gaston*

*Gibbons Goward Graham 106 Gratz Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Holand Hollingsworth Hoppe*

*Hosmer Howerton Johnson Kasten Kauffman*

*Kelley 47 Kennedy Kissell Kreider Lakin*

*Lawson Leake Legan Levin Linton*

*Long Loudon Luetkenhaus Lumpe Marble*

*May 108 Mays 50 McBride McClelland McLuckie*

*Merideth Miller Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Parker Patek Pouche Pryor*

*Purgason Ransdall Reinhart Relford Reynolds*

*Richardson Ridgeway Rizzo Robirds Sallee*

*Scheve Schilling Schwab Scott Secrest*

*Seigfreid Shear Sheldon 104 Shelton 57 Shields*

*Skaggs Smith Steen Stokan Stoll*

*Stroker Summers Surface Tate Thomason 163*

*Townley Treadway Troupe Van Zandt Vogel*

*Wannenmacher Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 001*

*Hohulin*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Daniels 41 Farmer Graham 24 Hand Kelly 27*

*Koller Liese Lograsso Ross Thompson 37*

*Wiggins Williams 121*

*Speaker Pro Tem Kreider declared the bill passed.*

*The emergency clause was adopted by the following vote:*

*AYES: 135*

*Akin Alter Auer Backer Ballard*
*Barry 100 Bartelsmeyer Bauer Berkstresser Bland*
*Bonner Boucher Bray 84 Burton Campbell*
*Carter Champion Chrismer Cierpiot Clayton*
*Cooper Copeland Crawford Crump Daniel 42*
*Davis 63 Davis 122 Days DeMarce Dolan*
*Donovan Dougherty Edwards-Pavia Enz Evans*
*Farmer Farnen Fitzwater Foley Ford*
*Foster Fritts Gaskill Gibbons Goward*
*Graham 24 Graham 106 Gratz Green Griesheimer*
*Gunn Hagan-Harrell Hall Harlan Hartzler 123*
*Hartzler 124 Heckemeyer Hendrickson Hickey Holand*
*Hollingsworth Hoppe Hosmer Johnson Kasten*
*Kauffman Kelley 47 Kennedy Kissell Koller*
*Kreider Lakin Lawson Leake Legan*
*Levin Linton Long Loudon Luetkenhaus*
*Lumpe Marble May 108 Mays 50 McBride*
*McClelland McLuckie Miller Monaco Murphy*
*Murray Naeger Nordwald O'Connor Ostmann*
*Overschmidt Parker Pouche Pryor Ransdall*
*Reinhart Relford Reynolds Richardson Ridgeway*
*Rizzo Ross Sallee Scheve Schilling*
*Schwab Scott Secrest Seigfreid Shear*
*Sheldon 104 Shelton 57 Shields Skaggs Smith*
*Stoll Stroker Summers Surface Tate*
*Thomason 163 Townley Troupe Van Zandt Vogel*
*Wiggins Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 018*

*Barnett 4 Bennett 15 Boatright Broach Froelker*
*Gaston Gross Hegeman Hohulin Howerton*
*Lograsso Merideth O'Toole Patek Purgason*
*Robirds Steen Treadway*

*PRESENT: 001*

*Elliott*

*ABSENT WITH LEAVE: 009*

*Daniels 41 Franklin Hand Kelly 27 Liese*
*Stokan Thompson 37 Wannenmacher Williams 121*

*On motion of Representative McBride, title to the bill was agreed to.*

*Representative Monaco moved that the vote by which the bill passed be reconsidered.*

*Representative Lumpe moved that motion lay on the table.*

*The latter motion prevailed.*

*Speaker Gaw resumed the Chair.*

***CCR SB 315, as amended**, relating to school bus safety, was taken up by Representative Koller.*

***CCR SB 315, as amended,** was laid over.*

***CCR HCS SS SB 11, as amended**, relating to county government, was taken up by Representative Leake.*

*On motion of Representative Leake, **CCR HCS SS SB 11, as amended,** was adopted by the following vote:*

*AYES: 095*

*Alter Auer Backer Ballard Barry 100*
*Bauer Bland Bonner Boucher Bray 84*
*Burton Carter Cierpiot Clayton Cooper*
*Copeland Crump Daniels 41 Davis 122 Days*
*DeMarce Dolan Donovan Dougherty Fitzwater*
*Foley Ford Franklin Fritts Gaskill*
*Goward Graham 24 Graham 106 Green Hagan-Harrell*
*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*
*Hickey Holand Hollingsworth Hoppe Hosmer*
*Kasten Kauffman Kennedy Koller Leake*
*Legan Long Luetkenhaus Lumpe May 108*
*Mays 50 McBride McClelland McLuckie Merideth*
*Miller Monaco Nordwald O'Connor O'Toole*
*Ostmann Overschmidt Parker Purgason Ransdall*
*Relford Rizzo Robirds Scheve Schilling*
*Schwab Scott Secrest Seigfreid Shear*
*Shelton 57 Smith Steen Stoll Stroker*

*Summers Thomason 163 Treadway Van Zandt Wiggins*

*Williams 121 Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 060*

*Akin Barnett 4 Bennett 15 Boatright Broach*

*Campbell Champion Chrismer Crawford Daniel 42*

*Davis 63 Edwards-Pavia Elliott Enz Evans*

*Foster Froelker Gaston Gibbons Gratz*

*Griesheimer Gross Gunn Hall Hendrickson*

*Hohulin Howerton Johnson Kelley 47 Kelly 27*

*Kissell Kreider Lakin Lawson Levin*

*Linton Lograsso Loudon Marble Murphy*

*Murray Naeger Patek Pouche Pryor*

*Reinhart Reynolds Ridgeway Ross Sallee*

*Sheldon 104 Shields Skaggs Stokan Surface*

*Tate Townley Troupe Vogel Wannenmacher*

*PRESENT: 003*

*Bartelsmeyer Berkstresser Farnen*

*ABSENT WITH LEAVE: 005*

*Farmer Hand Liese Richardson Thompson 37*

*On motion of Representative Leake,* ***CCS HCS SS SB 11, as amended,*** *was truly agreed to and finally passed by the following vote:*

*AYES: 114*

*Alter Auer Backer Ballard Barnett 4*

*Barry 100 Bland Bonner Boucher Bray 84*

*Burton Carter Cierpiot Clayton Cooper*

*Copeland Crump Daniel 42 Daniels 41 Davis 63*

*Davis 122 Days DeMarce Donovan Dougherty*

*Elliott Fitzwater Foley Ford Foster*

*Franklin Fritts Gaskill Goward Graham 24*

*Graham 106 Gratz Green Gunn Hagan-Harrell*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey*

*Holand Hollingsworth Hoppe Hosmer Howerton*

*Johnson Kasten Kauffman Kelley 47 Kelly 27*

*Kennedy Kissell Koller Kreider Lawson*

*Leake Legan Levin Long Luetkenhaus*

*May 108 Mays 50 McBride McClelland McLuckie*

*Merideth Miller Monaco Murray Naeger*

*Nordwald O'Connor Ostmann Overschmidt Parker*

*Purgason Ransdall Relford Reynolds Richardson*

*Rizzo Robirds Sallee Scheve Schilling*

*Schwab Scott Secrest Seigfreid Shear*

*Sheldon 104 Shelton 57 Smith Steen Stoll*

*Stroker Summers Surface Thomason 163 Townley*

*Treadway Troupe Van Zandt Vogel Williams 121*

*Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 034*

*Akin Bennett 15 Boatright Broach Champion*

*Chrismer Crawford Edwards-Pavia Enz Evans*

*Froelker Gaston Gibbons Griesheimer Gross*

*Hall Hendrickson Hohulin Linton Lograsso*

*Loudon Marble Murphy O'Toole Patek*

*Pouche Pryor Reinhart Ridgeway Ross*

*Shields Skaggs Stokan Wannenmacher*

*PRESENT: 003*

*Bartelsmeyer Berkstresser Farnen*

*ABSENT WITH LEAVE: 012*

*Bauer Campbell Dolan Farmer Hand*

*Harlan Lakin Liese Lumpe Tate*

*Thompson 37 Wiggins*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Copeland, title to the bill was agreed to.*

*Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.*

*Representative Boucher moved that motion lay on the table.*

*The latter motion prevailed.*

***CCR SB 315, as amended,*** *relating to school bus safety, was again taken up by Representative Koller.*

*On motion of Representative Koller,* ***CCR SB 315, as amended,*** *was adopted by the following vote:*

*AYES: 084*

*Backer Barry 100 Bauer Bland Bonner*
*Boucher Bray 84 Campbell Carter Clayton*
*Copeland Crump Daniel 42 Daniels 41 Davis 63*
*Davis 122 Days DeMarce Dougherty Farmer*
*Farnen Fitzwater Foley Ford Franklin*
*Fritts Goward Graham 24 Gratz Green*
*Gunn Hagan-Harrell Harlan Heckemeyer Hickey*
*Hollingsworth Hosmer Johnson Kelly 27 Kennedy*
*Kissell Koller Kreider Lakin Lawson*
*Leake Loudon Luetkenhaus Lumpe May 108*
*Mays 50 McBride McLuckie Monaco Murray*
*O'Connor O'Toole Overschmidt Parker Ransdall*
*Relford Reynolds Rizzo Scheve Seigfreid*
*Shear Sheldon 104 Shelton 57 Skaggs Smith*
*Stokan Stoll Stroker Tate Thomason 163*
*Thompson 37 Treadway Troupe Van Zandt Wiggins*
*Williams 121 Williams 159 Wilson Mr. Speaker*

*NOES: 075*

*Akin Alter Auer Ballard Barnett 4*
*Bartelsmeyer Bennett 15 Berkstresser Boatright Broach*
*Burton Champion Chrismer Cierpiot Cooper*
*Crawford Dolan Donovan Edwards-Pavia Elliott*
*Enz Evans Foster Froelker Gaskill*
*Gaston Gibbons Graham 106 Griesheimer Gross*
*Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson*
*Hohulin Holand Hoppe Howerton Kasten*
*Kauffman Kelley 47 Legan Levin Linton*
*Lograsso Long Marble McClelland Merideth*
*Miller Murphy Naeger Nordwald Ostmann*
*Patek Pouche Pryor Purgason Reinhart*
*Richardson Ridgeway Robirds Ross Sallee*
*Schwab Scott Secrest Shields Steen*
*Summers Surface Townley Vogel Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 004*

*Hand Liese Schilling Wooten*

*On motion of Representative Koller,* ***CCS SB 315*** *was truly agreed to and finally passed by the following vote:*

*AYES: 092*

*Auer Backer Barry 100 Bauer Bennett 15*
*Bland Bonner Boucher Bray 84 Campbell*
*Carter Clayton Copeland Crump Daniel 42*
*Daniels 41 Davis 63 Davis 122 Days DeMarce*
*Dougherty Enz Farmer Farnen Fitzwater*
*Foley Franklin Fritts Goward Graham 24*
*Gratz Green Gunn Hagan-Harrell Harlan*
*Heckemeyer Hendrickson Hickey Holand Hollingsworth*
*Hosmer Johnson Kelley 47 Kelly 27 Kennedy*
*Kissell Koller Kreider Lakin Lawson*
*Leake Levin Loudon Luetkenhaus Lumpe*
*May 108 Mays 50 McBride McLuckie Merideth*
*Monaco Murray O'Connor O'Toole Ostmann*
*Overschmidt Parker Ransdall Relford Reynolds*
*Rizzo Scheve Seigfreid Shear Sheldon 104*
*Shelton 57 Skaggs Smith Stokan Stoll*
*Stroker Tate Thomason 163 Thompson 37 Treadway*
*Troupe Van Zandt Wiggins Williams 121 Williams 159*
*Wilson Mr. Speaker*

*NOES: 064*

*Akin Alter Ballard Barnett 4 Bartelsmeyer*
*Berkstresser Boatright Broach Burton Champion*
*Chrismer Cierpiot Cooper Crawford Donovan*
*Edwards-Pavia Elliott Evans Foster Froelker*
*Gaskill Gaston Gibbons Graham 106 Griesheimer*
*Gross Hall Hartzler 123 Hartzler 124 Hegeman*
*Hohulin Hoppe Howerton Kasten Kauffman*
*Legan Linton Lograsso Marble McClelland*
*Miller Murphy Naeger Nordwald Patek*
*Pouche Pryor Purgason Reinhart Richardson*
*Ridgeway Robirds Ross Sallee Schwab*
*Scott Secrest Shields Steen Summers*

*Surface Townley Vogel Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 007*

*Dolan Ford Hand Liese Long*

*Schilling Wooten*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Lakin, title to the bill was agreed to.*

*Representative Copeland moved that the vote by which the bill passed be reconsidered.*

*Representative Gunn moved that motion lay on the table.*

*The latter motion prevailed.*

***THIRD READING OF SENATE BILL***

***SS SB 275**, relating to partial birth abortions, was taken up by Representative O'Connor.*

*Representative Graham (24) offered House Amendment No. 1.*

*House Amendment No. 1*

*AMEND Senate Substitute for Senate Bill No. 275, Page 3, Section 188.075, Line 6, by inserting immediately after all of said line the following:*

*"**Section 1. In any action against the State of Missouri as a party in a civil action, the Missouri General Assembly by enacting legislation penalizing a specific medical procedure, hereby makes each member individually liable for damages for personal injury or death sustained by a woman medically proven in need of the procedure, pursuant to Chapter 188, RSMo, as a result of the legislative body establishing penalties or prohibitions of a medical practice without a license pursuant to Chapter 334, RSMo.**" and*

*Further amend said bill, by amending the title and enacting clause accordingly.*

*Representative Graham (24) moved that House Amendment No. 1 be adopted.*

*Which motion was defeated by following vote:*

*AYES: 024*

*Bland Bray 84 Clayton Davis 63 Days*

*Farmer Fitzwater Graham 24 Hagan-Harrell Lakin*

*Lumpe Mays 50 McLuckie Relford Scheve*

*Seigfreid Shear Skaggs Stokan Tate*

*Thomason 163 Van Zandt Williams 121 Wilson*

*NOES: 130*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Boatright Bonner Boucher Broach*

*Burton Campbell Carter Champion Chrismer*

*Cierpiot Cooper Copeland Crawford Crump*

*Daniel 42 Davis 122 DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farnen Foley Foster Fritts Froelker*

*Gaskill Gaston Gibbons Goward Graham 106*

*Gratz Green Griesheimer Gross Gunn*

*Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer*

*Hegeman Hendrickson Hickey Hohulin Holand*

*Hollingsworth Hoppe Hosmer Howerton Johnson*

*Kasten Kauffman Kelley 47 Kelly 27 Kennedy*

*Kissell Koller Kreider Lawson Leake*

*Legan Levin Linton Lograsso Loudon*

*Luetkenhaus Marble May 108 McBride McClelland*

*Merideth Miller Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Parker Patek Pouche Pryor*

*Purgason Ransdall Reinhart Reynolds Richardson*

*Ridgeway Rizzo Robirds Ross Sallee*

*Schwab Scott Secrest Sheldon 104 Shelton 57*

*Shields Smith Steen Stoll Stroker*

*Summers Surface Thompson 37 Townley Treadway*

*Vogel Wannenmacher Wiggins Williams 159 Mr. Speaker*

*PRESENT: 000*

*ABSENT WITH LEAVE: 009*

*Daniels 41 Ford Franklin Hand Liese*

*Long Schilling Troupe Wooten*

*Representative Bray offered House Amendment No. 2.*

*House Amendment No. 2*

*AMEND Senate Substitute for Senate Bill No. 275, Page 3, Section 188.033, Lines 1 & 2, by deleting said lines and inserting the following:*

*"No physician shall perform an intact dilation and extraction of a viable fetus unless necessary to preserve the life or health of the woman."*

*Representative Bray moved that House Amendment No. 2 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 052*

*Backer Bauer Bland Bray 84 Campbell*

*Carter Clayton Crump Daniel 42 Davis 63*

*Davis 122 Days Farmer Farnen Fitzwater*

*Franklin Fritts Graham 24 Green Gunn*

*Hagan-Harrell Harlan Hollingsworth Hosmer Kauffman*

*Kelly 27 Kreider Lakin Lumpe May 108*

*Mays 50 McBride McClelland McLuckie Murray*

*Ostmann Relford Scheve Shear Shelton 57*

*Skaggs Smith Stokan Tate Thomason 163*

*Troupe Van Zandt Wiggins Williams 121 Williams 159*

*Wilson Mr. Speaker*

*NOES: 104*

*Akin Alter Auer Ballard Barnett 4*

*Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright*

*Bonner Boucher Broach Burton Champion*

*Chrismer Cierpiot Cooper Copeland Crawford*

*DeMarce Dolan Donovan Dougherty Edwards-Pavia*

*Elliott Enz Evans Foley Foster*

*Froelker Gaskill Gaston Gibbons Goward*

*Graham 106 Gratz Griesheimer Gross Hall*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson*

*Hickey Hohulin Holand Hoppe Howerton*

*Johnson Kasten Kelley 47 Kennedy Kissell*

*Koller Lawson Leake Legan Levin*

*Linton Lograsso Long Loudon Luetkenhaus*

*Marble Merideth Miller Monaco Murphy*

*Naeger Nordwald O'Connor O'Toole Overschmidt*

*Parker Patek Pouche Pryor Purgason*

*Ransdall Reinhart Reynolds Richardson Ridgeway*

*Rizzo Robirds Ross Sallee Schwab*

*Scott Secrest Seigfreid Sheldon 104 Shields*

*Steen Stoll Stroker Summers Surface*

*Townley Treadway Vogel Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 007*

*Daniels 41 Ford Hand Liese Schilling*

*Thompson 37 Wooten*

*Representative Boucher offered House Amendment No. 3.*

*House Amendment No. 3*

*AMEND Senate Substitute for Senate Bill No. 275, Page 1, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:*

*"To repeal section 188.030, RSMo 1994, relating to abortions, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision."; and*

*Further amend said bill, Page 1, Section A, Lines 1 to 3, by deleting all of said lines and inserting in lieu thereof the following:*

*"Section A. Section 188.030, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 188.030, to"; and*

*Further amend said bill, Page 1, Section 188.015, by deleting all of said section; and*

*Further amend said bill, Page 2, Section 188.030, Lines 1 to 30, by deleting all of said lines and inserting in lieu thereof the following:*

*"188.030. [1.]* ***Notwithstanding any other law to the contrary,*** *no abortion of [a viable]* ***an*** *unborn child shall be performed unless necessary to preserve the life or health of the woman. [Before a physician may perform an abortion upon a pregnant woman after such time as her unborn child has become viable, such physician shall first certify in writing that the abortion is necessary to preserve the life or health of the woman and shall further certify in writing the medical indications for such abortion and the probable health consequences.*

*2. Any physician who performs an abortion upon a woman carrying a viable unborn child shall utilize the available method or technique of abortion most likely to preserve the life and health of the unborn child. In cases where the method or technique of abortion which would most likely preserve the life and health of the unborn child would present a greater risk to the life and health of the woman than another available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.*

*3. An abortion of a viable unborn child shall be performed or induced only when there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required by this section to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life and health of the viable unborn child; provided that it does not pose an increased risk to the life or health of the woman.]"; and*

*Further amend said bill, Page 3, Section 188.033, Line 1, by deleting the words "****a partial birth****" and inserting in lieu thereof the word "****an****".*

*Representative Boucher moved that House Amendment No. 3 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 006*

*Boucher Davis 63 Franklin Lumpe Shelton 57*
*Thomason 163*

*NOES: 148*

*Akin Alter Auer Backer Ballard*
*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*
*Berkstresser Bland Boatright Bonner Bray 84*
*Broach Burton Campbell Carter Champion*
*Chrismer Cierpiot Clayton Cooper Copeland*
*Crawford Crump Daniel 42 Davis 122 Days*
*DeMarce Dolan Donovan Dougherty Edwards-Pavia*
*Elliott Enz Evans Farmer Farnen*
*Fitzwater Foley Foster Fritts Froelker*
*Gaskill Gaston Gibbons Goward Graham 24*
*Graham 106 Gratz Green Griesheimer Gross*
*Gunn Hagan-Harrell Hall Harlan Hartzler 123*
*Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey*
*Hohulin Holand Hollingsworth Hoppe Hosmer*
*Howerton Johnson Kasten Kauffman Kelley 47*
*Kelly 27 Kennedy Kissell Kreider Lakin*
*Lawson Leake Legan Levin Linton*
*Lograsso Long Loudon Luetkenhaus Marble*
*May 108 Mays 50 McBride McClelland McLuckie*
*Merideth Miller Monaco Murphy Murray*
*Naeger Nordwald O'Connor O'Toole Ostmann*
*Overschmidt Parker Patek Pouche Pryor*
*Purgason Ransdall Reinhart Relford Reynolds*
*Richardson Ridgeway Rizzo Robirds Ross*
*Sallee Scheve Schwab Scott Secrest*
*Seigfreid Shear Sheldon 104 Shields Skaggs*
*Smith Steen Stokan Stoll Stroker*
*Summers Surface Tate Townley Treadway*
*Troupe Van Zandt Vogel Wannenmacher Williams 121*
*Williams 159 Wilson Mr. Speaker*

*PRESENT: 000*

*ABSENT WITH LEAVE: 009*

*Daniels 41 Ford Hand Koller Liese*

*Schilling Thompson 37 Wiggins Wooten*

*Representative Fitzwater offered House Amendment No. 4.*

*House Amendment No. 4*

*AMEND Senate Substitute for Senate Bill No. 275, Page 2, Subdivision (5) of Section 188.015, Lines 16 through 19, by deleting said lines and inserting in lieu thereof the following:*

*"**(5) "Intact Dilation and Extraction", a method or technique of abortion in which the physician deliberately dilates the cervix, usually over a sequence of days; performs instrumental conversion of the fetus to a footling breech, performs breech extraction of the body excepting the head; and performs partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.**".*

*Representative Fitzwater moved that House Amendment No. 4 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 049*

*Backer Bland Bray 84 Campbell Carter*

*Clayton Davis 63 Davis 122 Days Dougherty*

*Farmer Fitzwater Franklin Fritts Graham 24*

*Gunn Hagan-Harrell Harlan Hollingsworth Hosmer*

*Kauffman Kelly 27 Kreider Lakin Lumpe*

*May 108 Mays 50 McBride McClelland McLuckie*

*Ostmann Parker Ransdall Relford Scheve*

*Shear Shelton 57 Skaggs Smith Stokan*

*Tate Thomason 163 Troupe Van Zandt Wiggins*

*Williams 121 Williams 159 Wilson Mr. Speaker*

*NOES: 105*

*Akin Alter Auer Ballard Barnett 4*

*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*

*Boatright Bonner Boucher Broach Burton*

*Champion Chrismer Cierpiot Cooper Copeland*

*Crawford Crump DeMarce Dolan Donovan*

*Edwards-Pavia Elliott Enz Evans Farnen*

*Foley Foster Froelker Gaskill Gaston*

*Gibbons Goward Graham 106 Gratz Green*

*Griesheimer Gross Hall Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Hohulin*

*Holand Hoppe Howerton Johnson Kasten*

*Kelley 47 Kennedy Kissell Koller Lawson*

*Leake Legan Levin Linton Lograsso*

*Loudon Luetkenhaus Marble Merideth Miller*

*Monaco Murphy Murray Naeger Nordwald*

*O'Connor O'Toole Overschmidt Patek Pouche*

*Pryor Purgason Reinhart Reynolds Richardson*

*Ridgeway Rizzo Robirds Ross Sallee*

*Schwab Scott Secrest Seigfreid Sheldon 104*

*Shields Steen Stoll Stroker Summers*

*Surface Townley Treadway Vogel Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 009*

*Daniel 42 Daniels 41 Ford Hand Liese*

*Long Schilling Thompson 37 Wooten*

*Representative Hosmer offered House Amendment No. 5.*

*House Amendment No. 5*

*AMEND Senate Substitute for Senate Bill No. 275, Page 3, Section 188.033, Line 2, by inserting after the word "**mother**" the following: "**Before fetal viability, no physician shall intentionally perform a partial birth abortion unless necessary to preserve the life of the mother or to protect the mother from severe, long-term physical injury or physical disability. Physical injury or physical disability shall not include psychological, cosmetic or emotional health, injury or disability**".*

*Representative Hosmer moved that House Amendment No. 5 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 052*

*Auer Backer Bland Bray 84 Campbell*

*Carter Clayton Copeland Davis 63 Davis 122*

*Days Dougherty Farmer Farnen Fitzwater*

*Franklin Fritts Goward Graham 24 Gunn*

*Hagan-Harrell Harlan Hollingsworth Hosmer Kauffman*

*Kelly 27 Koller Kreider Lakin Lumpe*

*May 108 Mays 50 McBride McClelland McLuckie*

*Murray Ostmann Relford Scheve Shear*

*Shelton 57 Skaggs Smith Stokan Stroker*

*Tate Thomason 163 Van Zandt Williams 121 Williams 159*

*Wilson Mr. Speaker*

*NOES: 101*

*Akin Alter Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright*

*Bonner Boucher Broach Burton Champion*

*Chrismer Cierpiot Cooper Crawford Crump*

*DeMarce Dolan Donovan Edwards-Pavia Elliott*

*Enz Evans Foley Foster Froelker*

*Gaskill Gaston Gibbons Graham 106 Gratz*

*Green Griesheimer Gross Hall Hartzler 123*

*Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey*

*Hohulin Holand Hoppe Howerton Johnson*

*Kasten Kelley 47 Kennedy Kissell Lawson*

*Leake Legan Levin Linton Lograsso*

*Long Loudon Luetkenhaus Marble Merideth*

*Miller Monaco Murphy Naeger Nordwald*

*O'Connor O'Toole Overschmidt Parker Patek*

*Pouche Pryor Purgason Ransdall Reinhart*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Schwab Scott Secrest*

*Seigfreid Sheldon 104 Shields Steen Stoll*

*Summers Surface Townley Treadway Vogel*

*Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 010*

*Daniel 42 Daniels 41 Ford Hand Liese*

*Schilling Thompson 37 Troupe Wiggins Wooten*

*Representative Parker offered House Amendment No. 6.*

*House Amendment No. 6*

*AMEND Senate Substitute for Senate Bill No. 275, Page 2, Section 188.015, Line 18, by inserting after the word "fetus" the following: "or infant"; and*

*Further amend said line by inserting after the word "the" and before the word "infant" the following: "fetus or"*

*Representative Parker moved that House Amendment No. 6 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 041*

*Backer Bland Boucher Bray 84 Campbell*
*Clayton Crump Davis 122 Farmer Farnen*
*Fitzwater Franklin Fritts Graham 24 Gunn*
*Hagan-Harrell Harlan Hollingsworth Hosmer Kelly 27*
*Kreider Lakin May 108 Mays 50 McBride*
*McLuckie Monaco Ostmann Parker Relford*
*Scheve Shear Shelton 57 Skaggs Smith*
*Tate Thomason 163 Van Zandt Williams 121 Wilson*
*Mr. Speaker*

*NOES: 114*

*Akin Alter Auer Ballard Barnett 4*
*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*
*Boatright Bonner Broach Burton Carter*
*Champion Chrismer Cierpiot Cooper Copeland*
*Crawford Davis 63 Days DeMarce Dolan*
*Donovan Dougherty Edwards-Pavia Elliott Enz*
*Evans Foley Foster Froelker Gaskill*
*Gaston Gibbons Goward Graham 106 Gratz*
*Green Griesheimer Gross Hall Hartzler 123*
*Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey*
*Hohulin Holand Hoppe Howerton Johnson*
*Kasten Kauffman Kelley 47 Kennedy Kissell*
*Koller Lawson Leake Legan Levin*
*Linton Lograsso Loudon Luetkenhaus Lumpe*
*Marble McClelland Merideth Miller Murphy*
*Murray Naeger Nordwald O'Connor O'Toole*
*Overschmidt Patek Pouche Pryor Purgason*
*Ransdall Reinhart Reynolds Richardson Ridgeway*
*Rizzo Robirds Ross Sallee Schwab*
*Scott Secrest Seigfreid Sheldon 104 Shields*
*Steen Stokan Stoll Stroker Summers*
*Surface Thompson 37 Townley Treadway Troupe*

*Vogel Wannenmacher Wiggins Williams 159*

*PRESENT: 000*

*ABSENT WITH LEAVE: 008*

*Daniel 42 Daniels 41 Ford Hand Liese*
*Long Schilling Wooten*

*On motion of Representative O'Connor,* ***SS SB 275*** *was truly agreed to and finally passed by the following vote:*

*AYES: 127*

*Akin Alter Auer Ballard Barnett 4*
*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*
*Boatright Bonner Boucher Broach Burton*
*Champion Chrismer Cierpiot Cooper Copeland*
*Crawford Crump Davis 122 DeMarce Dolan*
*Donovan Dougherty Edwards-Pavia Elliott Enz*
*Evans Farnen Foley Foster Franklin*
*Fritts Froelker Gaskill Gaston Gibbons*
*Goward Graham 106 Gratz Green Griesheimer*
*Gross Hall Hartzler 123 Hartzler 124 Heckemeyer*
*Hegeman Hendrickson Hickey Hohulin Holand*
*Hollingsworth Hoppe Hosmer Howerton Johnson*
*Kasten Kauffman Kelley 47 Kelly 27 Kennedy*
*Kissell Koller Kreider Lawson Leake*
*Legan Levin Linton Lograsso Long*
*Loudon Luetkenhaus Marble May 108 McBride*
*McClelland Merideth Miller Monaco Murphy*
*Murray Naeger Nordwald O'Connor O'Toole*
*Ostmann Overschmidt Parker Patek Pouche*
*Pryor Purgason Ransdall Reinhart Relford*
*Reynolds Richardson Ridgeway Rizzo Robirds*
*Ross Sallee Schwab Scott Secrest*
*Seigfreid Sheldon 104 Shields Smith Steen*
*Stokan Stoll Stroker Summers Surface*
*Thomason 163 Townley Treadway Vogel Wannenmacher*
*Wiggins Williams 159*

*NOES: 026*

*Backer Bray 84 Campbell Carter Clayton*

*Davis 63 Days Farmer Fitzwater Graham 24*

*Gunn Hagan-Harrell Harlan Lakin Lumpe*

*Mays 50 McLuckie Shear Shelton 57 Skaggs*

*Tate Thompson 37 Van Zandt Williams 121 Wilson*

*Mr. Speaker*

*PRESENT: 002*

*Bland Troupe*

*ABSENT WITH LEAVE: 008*

*Daniel 42 Daniels 41 Ford Hand Liese*

*Scheve Schilling Wooten*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Green, title to the bill was agreed to.*

*Representative Hickey moved that the vote by which the bill passed be reconsidered.*

*Representative DeMarce moved that motion lay on the table.*

*The latter motion prevailed.*

***APPOINTMENT OF CONFERENCE COMMITTEES***

*The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:*

***HS SCS SBs 49, 213, 130, 32, 235 and 221**: Representatives Crump, Leake, Koller, Marble and Lograsso*

***HCS SS SCS SB 165**: Representatives Rizzo, Scheve, Tate, Cooper and Pouche*

***SB 358**: Representatives Gratz, Luetkenhaus, Dougherty, Griesheimer and Hartzler (124)*

***COMMITTEE REPORT***

***Committee on Ethics**, Chairman Clayton reporting:*

*Mr. Speaker: Your Committee on Ethics, to which was referred **the Concerned Legislators Opposing Unnecessary Taxes (CLOUT) Caucus**, begs leave to report it has examined the same and **approves it pursuant to 105.470(2)(c)d.***

*TO: Anne Walker, Chief Clerk*

*FROM: Representative Sam Gaskill*

*DATE: March 9, 1997*

*RE: Approval of CLOUT Caucus*

*In accordance with Section 105.470 (6) 4 (2) and d RSMo 1991, we are listing the following members of the General Assembly as members of the Concerned Legislators Opposing Unnecessary Taxes (CLOUT) Caucus.*

***District Signature***

*26 /s/ Jim Seigfreid, D*

*50 /s/ Carol Jean Mays, D*

*66 /s/ Harry Kennedy, D*

*82 /s/ David Levin, R*

*113 /s/ Bill Gratz, D*

*114 /s/ Carl Vogel, R*

*117 /s/ Larry Crawford, R*

*122 /s/ D. J. Davis, D*

*125 /s/ Charlie Fritts, D*

*131 /s/ Sam Gaskill, R*

*134 /s/ Norma Champion, R*

*135 /s/ Roy Holand, R*

*143 /s/ Estel Robirds, R*

*147 /s/ Doug Gaston, R*

*150 /s/ Kelly Parker, D*

*162 /s/ Denny Merideth, I*

***Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:*

*Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCR 26**, begs leave to report it has examined the same and recommends that it **Do Pass.***

***CONFERENCE COMMITTEE REPORT***

***ON***

***SENATE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE BILL NO. 276***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 276, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 276;*

*2. That the House recede from its position on House Committee Substitute for House Bill No. 276;*

*3. That the attached Conference Committee Substitute be adopted.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ D. J. Davis (122) /s/ Ed Quick*

*/s/ Bill Skaggs /s/ Bill McKenna*

*/s/ Tim Harlan /s/ John Scott*

*/s/ Bill Linton /s/ Doyle Childers*

*/s/ Bonnie Sue Cooper /s/ Betty Sims*

***CONFERENCE COMMITTEE REPORT***

***ON***

***HOUSE SUBSTITUTE***

***FOR***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***SENATE COMMITTEE SUBSTITUTE***

***FOR***

***SENATE BILL NO. 141***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, with House Amendment Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141, with House Amendment Nos. 1, 2, 3, 4 and 5;*

*2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 141;*

*3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 141 be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Joseph Treadway /s/ Edward Quick*

*/s/ Steve Stoll /s/ William P. McKenna*

*/s/ Joan Barry /s/ Sidney Johnson*

*/s/ Charles Nordwald /s/ David J. Klarich*

*/s/ Roy Holand /s/ Walt Mueller*

***CONFERENCE COMMITTEE REPORT***

***ON***

***SENATE SUBSTITUTE***

***FOR***

***SENATE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE BILL NO. 207***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Bill No. 207, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Bill No. 207;*

*2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 207 as amended by Senate Amendment Nos. 1, Part II of 2, 3, 4 and 5;*

*3. That the attached Conference Committee Substitute be adopted.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Don Koller /s/ Danny Staples*

*/s/ Sam Gaskill /s/ Mike Lybyer*

*/s/ Charles Nordwald /s/ William McKenna*

*/s/ Sam Leake /s/ Morris Westfall*

*/s/ Gracia Backer /s/ Franc Flotron*

***CONFERENCE COMMITTEE REPORT # 2***

***ON***

***SENATE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE BILL NO. 276***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 276, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 276;*

*2. That the House recede from its position on House Committee Substitute for House Bill No. 276;*

*3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 276 be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ D. J. Davis /s/ Ed Quick*

*/s/ Bill Skaggs /s/ William McKenna*

*/s/ Tim Harlan /s/ John Scott*

*/s/ Bill Linton /s/ Doyle Childers*

*/s/ Bonnie Sue Cooper /s/ Betty Sims*

***CONFERENCE COMMITTEE REPORT***

***ON***

***SENATE COMMITTEE SUBSTITUTE***

***FOR***

***HOUSE BILL NO. 394***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Bill No. 394, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 394;*

*2. That the House recede from its position on House Bill No. 394;*

*3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 394, be adopted.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Gracia Backer /s/ David Klarich*

*/s/ May Scheve /s/ John Scott*

*/s/ John Loudon /s/ Bill McKenna*

*/s/ Bill Gratz /s/ Danny Staples*

*/s/ Bubs Hohulin /s/ Francis Flotron*

***CONFERENCE COMMITTEE REPORT***

***ON***

***HOUSE SUBSTITUTE***

***FOR***

***HOUSE COMMITTEE SUBSTITUTE***

***FOR***

***SENATE BILL NO. 218***

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Bill No. 218, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 218;*

*2. That the Senate recede from its position on Senate Bill No. 218;*

*3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 218 be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Wayne Crump /s/ Jerry Howard*

*/s/ Craig Hosmer /s/ William McKenna*

*/s/ Don Kissell /s/ Mike Lybyer*

*/s/ Mark Richardson /s/ Larry Rohrbach*

*/s/ Kenneth Legan /s/ Franc Flotron*

***ADJOURNMENT***

*On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, May 15, 1997.*

***CORRECTIONS TO THE HOUSE JOURNAL***

*Correct House Journal, Seventieth Day, Monday, May 12, 1997, pages 1915 and 1916, roll call, by showing Representative Robirds voting "aye" rather than "absent with leave".*

*Correct House Journal, Seventy-first Day, Tuesday, May 13, 1997, Page 1976, Line 4, by deleting the word and numerals, "Lines 13-15" and inserting in lieu thereof the following, "Lines 13-5".*

*Page 1987, Line 13, by deleting all of said line and inserting in lieu thereof the following:*

*"**SCS HS HB 390**: Representatives Foley, Hosmer, Edwards-Pavia, Griesheimer and Hoppe"*

*Page 1991, Line 30, by deleting all of said line and inserting in lieu thereof the following:*

*"**HS HCS SCS SB 141**: Representatives Treadway, Stoll, Barry, Nordwald and Holand"*

*Page 1991, Lines 23 and 24, by deleting all of said lines and inserting in lieu thereof the following:*

*"Representative Patek moved that House Amendment No. 1 to **HCS SS SB 208** be adopted.*

*AYES: 026*

*Akin Barnett 4 Bennett 15 Berkstresser Cierpiot*

*Crawford Enz Froelker Gaston Hartzler 124*

*Hegeman Hohulin Linton Lograsso Loudon*

*Miller Murphy Naeger Patek Pouche*

*Pryor Reinhart Ridgeway Secrest Steen*

*Summers*

*NOES: 120*

*Alter Auer Backer Ballard Barry 100*

*Bartelsmeyer Bauer Bland Boatright Bonner*

*Boucher Bray 84 Broach Burton Campbell*

*Carter Champion Chrismer Clayton Cooper*

*Copeland Crump Daniel 42 Daniels 41 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Evans Farnen Fitzwater*

*Foley Ford Foster Franklin Fritts*

*Gaskill Gibbons Goward Graham 24 Graham 106*

*Gratz Green Griesheimer Gunn Hagan-Harrell*

*Harlan Hartzler 123 Heckemeyer Hickey Holand*

*Hollingsworth Hoppe Hosmer Howerton Johnson*

*Kasten Kauffman Kelley 47 Kennedy Kissell*

*Koller Kreider Lakin Lawson Leake*

*Legan Levin Liese Luetkenhaus Lumpe*

*May 108 Mays 50 McBride McClelland McLuckie*

*Merideth Monaco Murray Nordwald Ostmann*

*Overschmidt Parker Purgason Ransdall Relford*

*Reynolds Rizzo Robirds Ross Sallee*

*Scheve Schilling Scott Seigfreid Sheldon 104*

*Shelton 57 Shields Skaggs Smith Stokan*

*Stoll Stroker Surface Tate Thompson 37*

*Townley Treadway Van Zandt Vogel Wannenmacher*

*Wiggins Williams 121 Williams 159 Wilson Mr. Speaker*

*PRESENT: 001*

*Hendrickson*

*ABSENT WITH LEAVE: 016*

*Elliott Farmer Gross Hall Hand*

*Kelly 27 Long Marble O'Connor O'Toole*

*Richardson Schwab Shear Thomason 163 Troupe*

*Wooten*

*Which motion was defeated."*

*Pages 1954 and 1955, roll call, by showing Representatives Bennett (15), Hosmer and Kelly (27) voting "aye" rather than "absent with leave".*

*Page 1959, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".*

*Pages 1960 and 1961, roll call, by showing Representatives Bennett (15), Bonner and Kreider voting "aye" rather than "absent with leave".*

*Pages 1961 and 1962, roll call, by showing Representatives Bennett (15), Gibbons, Kelley (47) and Kreider voting "aye" rather than "absent with leave".*

*Pages 1961 and 1962, roll call, by showing Representative Luetkenhaus voting "no" rather than "absent with leave".*

*Pages 1962 and 1963, roll call, by showing Representatives Bennett (15), Cooper, Kreider and Ross voting "aye" rather than "absent with leave".*

*Pages 1963 and 1964, roll call, by showing Representatives Bartelsmeyer, Cooper, Carter, Davis (63), Kelley (47) and O'Connor voting "aye" rather than "absent with leave".*

*Pages 1964 and 1965, roll call, by showing Representatives Bartelsmeyer, Bennett (15), Davis (63), Kelly (27), Luetkenhaus and O'Connor voting "aye" rather than "absent with leave".*

*Page 1965, roll call, by showing Representatives Bartelsmeyer, Bennett (15), Davis (63), Kelly (27), Luetkenhaus, O'Connor and Williams (121) voting "aye" rather than "absent with leave".*

*Pages 1971 and 1972, roll call, by showing Representatives Bennett (15), Berkstresser, Gibbons, Kelly (27), Robirds and Williams (159) voting "present" rather than "absent with leave".*

*Page 1980, roll call, by showing Representatives Elliott, Gross, Hohulin, Hosmer, Kreider and Marble voting "aye" rather than "absent with leave".*

*Page 1980, roll call, by showing Representative Williams (121) voting "no" rather than "absent with leave".*

*Pages 1987 and 1988, roll call, by showing Representatives Bennett (15), Chrismer, Cooper, Gross, Howerton and Williams (121) voting "aye" rather than "absent with leave".*

*Pages 1987 and 1988, roll call, by showing Representative Kelly (27) voting "no" rather than "absent with leave".*

*Pages 1988 and 1989, roll call, by showing Representatives Bennett (15), Chrismer, Cooper, Gross and Wooten voting "aye" rather than "absent with leave".*

*Pages 1988 and 1989, roll call, by showing Representative Kelly (27) voting "no" rather than "absent with leave".*

*Pages 1990 and 1991, roll call, by showing Representatives Gross and Wooten voting "no" rather than "absent with leave".*

***COMMITTEE MEETINGS***

*BUDGET*

*Thursday, May 15, 1997, 8:30 am. Hearing Room 9. Executive session on*

*previously heard bills. CANCELLED*

*To be considered - SB 247*

*CRITICAL ISSUES*

*Thursday, May 15, 1997, 9:00 am. Hearing Rooms 1 and 2. Executive session will follow.*

*To be considered - SCR 25*

*JOINT COMMITTEE ON CAPITAL IMPROVEMENTS*

*Thursday, May 15, 1997, 8:00 am. Hearing Room 8. Review of Capitol and*

*Capital complex enhanced security.*

*JOINT COMMITTEE ON LEGISLATIVE RESEARCH*

*Thursday, May 15, 1997, 8:30 am. Hearing Room 7. Audit assignments, approval of audit reports, adoption of ballot language, other administrative matters.*

***HOUSE CALENDAR***

*SEVENTY-THIRD DAY, THURSDAY, MAY 15, 1997*

***HOUSE BILLS FOR PERFECTION***

*1 HCS HB 595 - Koller*

*2 HB 57, as amended, HA 3, pending, - Shear*

*3 HB 267 - Overschmidt*

*4 HCS HB 724 - Riback Wilson*

*5 HB 108 - Scheve*

*6 HB 423, HCA 1 - Backer*

*7 HB 848 - DeMarce*

*8 HCS HB 511 - Graham (24)*

*9 HB 497, HCA 1 - Naeger*

*10 HB 106 - Bland*

*11 HB 753 - Broach*

*12 HB 47 - Bland*

***HOUSE BILLS FOR PERFECTION - INFORMAL***

*1 HB 570, as amended - Stoll*

*2 HCS HB 155, 81 & 171 - Farmer*

*3 HCS HB 426, 576 & 567 - Luetkenhaus*

*4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo*

*5 HCS HB 396 - Hosmer*

*6 HCS HB 748 & 605 - McLuckie*

*7 HCS HB 146 - Scheve*

*8 HCS HB 436 & 260 - Treadway*

*9 HS HCS HB 349, as amended, HS, adopted, pending - Koller*

*10 HCS HB 723, 789 & 372, as amended, - Dougherty*

***HOUSE BILLS FOR THIRD READING***

*HB 135, (Budget Fiscal 4-30-97) - Dougherty*

*HCS HB 582, (Budget Fiscal 4-30-97) - Schilling*

*HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long*

***HOUSE BILLS FOR THIRD READING - INFORMAL***

*HB 215 - Dougherty*

*HS HCS HB 282 - Kissell*

***SENATE BILLS FOR THIRD READING***

*1 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn*

*2 HCS SS SB 361, as amended, E.C. - Dougherty*

*3 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty*

*4 HCS SCS SB 140 - Koller*

*5 SS SCS SB 274, HCA 1 - Crump*

*6 HCS SCS SB 457 & 458 - Clayton*

*7 SB 216, HCA 1 - Boatright*

*8 HCS SS SCS SB 345 - Treadway*

*9 SCS SB 258 & 228 - Rizzo*

*10 SB 187, HCAs 1 and 2 - Sallee*

*11 HCS SB 72 - Wiggins*

*12 HCS SS SCS SB 327, E.C. - Lakin/Richardson*

*13 HCS SS SB 466 - Shelton (57)*

*14 HCS SB 119 - Hosmer*

*15 HCS SCS SB 376, E.C. - Pryor*

*16 HCS SS SCS SB 168, (Budget Fiscal 5-13-97) - Stoll*

*17 SCS SB 105 - Hegeman*

*18 SB 108 - Broach*

*19 HCS SB 169, (Budget Fiscal 5-12-97) - May (108)*

*20 HCS SCS SB 251, (Budget Fiscal 5-12-97) - Hosmer*

*21 SCS SB 55 - Luetkenhaus*

*22 HCS SS SB 22 - Scheve*

*23 SB 247, (Budget Fiscal 5-13-97) - Barry*

***SENATE BILLS FOR THIRD READING - INFORMAL***

*HCS SCS SB 79, as amended, - Thomason (163)*

*SCS SB 319, HCA 1 - Carter*

***HOUSE BILLS WITH SENATE AMENDMENTS***

*HB 831, SCA 1, SA 1 - Griesheimer*

*SCS HS HCS HB 738, as amended - Hosmer*

*SS HCS HB 641 & 593, as amended - Fitzwater*

*SS HCS HB 509, as amended - Bland*

*HS HB 389, SCA 1, SCA 2, SA 1 - Luetkenhaus*

*HCS HB 635, SA 1, SA 2 - Kennedy*

***BILLS CARRYING REQUEST MESSAGES***

*1 SB 262, HCA 1 (Req. House recede/pass bill) - Treadway*

*2 SS HB 791, (Req. Sen. rec/grant House conf) - Stoll*

*3 HCS SS SB 248, (Req. House rec/grant Senate conf) - May (108)*

*4 SCS HCS HB 141, (Req. Sen. rec/grant House conf/conferees to exceed diff.) - Smith*

*5 HS SS SB 97, a.a. (Req House rec/grant Sen conf) - Green*

*6 SS HS HB 811, a.a. (Req Sen. rec/grant House conf) - Lakin*

*7 HCS HB 288, as amended, (Req. Sen recede/grant House conference) - Lumpe*

*8 HS HCS HB 472, a.a. (Req. Sen rec from position on SA 1- Luetkenhaus*

***BILLS IN CONFERENCE***

*1 HCS#2 SB 161 - Kelly (27)*

*2 CCR HCS SCS SB 316 - Hoppe*

*3 CCR #2 HS HCS SCS SB 16, as amended - Backer*

*4 SS SCS HB 491, as amended, - Gaw*

*5 CCR HS HCS SB 218 - Crump*

*6 CCR SCS HB 394 - Loudon*

*7 CCR #2 HCS HB 600 & 388 - Carter*

*8 CCR HS HCS SCS SB 89, as amended, - Legan*

*9 HS HCS SS SB 121, as amended, - Williams (121)*

*10 SCS HS HB 390, as amended, - Hoppe*

*11 SCS HS HCS HB 69 & 179 & HCS HB 669, as amended, E.C. - Hosmer*

*12 HS HCS SB 21, as amended, E.C. - Hoppe*

*13 CCR #2SCS HCS HB 276, as amended, - Davis (122)*

*14 CCR HS HCS SCS SB 141, as amended, - Treadway*

*15 SS SCS HB 259 - Liese*

*16 CCR SS SCS HB 207, as amended, E.C. - Koller*

*17 SB 358, as amended, - Gratz*

*18 HS SCS SB 49,213,130,32,235 & 221, as amended - Crump*

*19 HCS SS SCS SB 165, as amended - Rizzo*

***SENATE CONCURRENT RESOLUTION***

*SCR 21, (4-10-97, pgs. 1033 & 1034) -*

***HOUSE RESOLUTION***

*HCS HR 548, HA 1 to HA 1, HA 1, pending (4-29-97, pgs 1409) - Dougherty*

*Return to the Missouri House of Representatives*

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTY-THIRD DAY, Thursday, May 15, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

O God, the words of your servant, James Weldon Johnson, seem appropriate for this morning: "O Lord, we come this morning knee-bowed and body-bent before your throne of grace. O Lord - this morning - bow our hearts beneath our knees and our knees in some lonesome valley. We come this morning like empty pitchers to a full fountain, with no merits of our own. O Lord, open up a window of heaven, and lean out far over the battlements of glory, and listen this morning..."

These people come into the House this day, with bleary eyes and weary bodies, under the pressure of deadlines and criticism. They come to this day with work yet to be done. Be with them - representatives, support staff - and all who feel the burden of responsibilities. Renew their strength for this day and those to come.

On this Missouri Peace Officers Memorial Day, let us remember and give thanks for the men and women in the field of law enforcement who have given their lives to protect ours. Let us never forget them. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Micah Cash, Nick Heiser, Rachele Jones, Trevis Day, Amanda L. Stekloff, Kelly M. Sweet, Bridgette L. Brown, Tyler E. Mains, Bobby J. Gray, Natalie M. Wood, Chase Watson, Tara Brooks, Nicole Hottovy, Nikki Pitman, Charles Ellis, Chad McReynolds, Lindsey Lowrey, Anna Hansen, Tamara Brunich and Reagan Kelly.

The Journal of the seventy-second day was approved as corrected.

### RESOLUTIONS

Representative Relford offered House Resolution No. 1360, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Marble offered House Resolution No. 1361, which was referred to the Committee on

Miscellaneous Bills and Resolutions.

Representative Naeger offered House Resolution Nos. 1362 and 1363, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ransdall offered House Resolution No. 1364, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 1365, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SCS HCS HB 214, HB 301, HB 381, HCS HB 620** and **HCS HB 697**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SA 1** to **HS HCS HB 472** and has taken up and passed **HS HCS HB 472 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **HCS HB 288 as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HS HB 811 as amended** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Quick, Caskey, Staples, Sims and Yeckel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS SCS SBs 49, 213, 130, 32, 235 & 221 as amended**: Senators Staples, Kinder, McKenna, DePasco and Yeckel.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SB 358 as amended**: Senators Curls, Howard, Jacob, Rohrbach and Sims.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 145

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 122 DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Farmer Farnen Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Linton Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 018

Bartelsmeyer Bland Daniel 42 Davis 63 Days

Evans Fitzwater Foley Graham 24 Hand

Hosmer Lakin Lograsso Long Ostmann

Scheve Thompson 37 Townley

**BILLS IN CONFERENCE**

**CCR #2 HS HCS SCS SB 16, as amended**, relating to lobbying, campaign, and ethics reform, was taken up by Representative Backer.

On motion of Representative Backer, **CCR #2 HS HCS SCS SB 16, as amended,** was adopted by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schwab Scott Secrest Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Ford Froelker Green Murphy Schilling

PRESENT: 000

ABSENT WITH LEAVE: 009

Boatright Daniel 42 Evans Goward Hand

Lakin Seigfreid Thompson 37 Townley

On motion of Representative Backer, **CCS #2 HS HCS SCS SB 16** was truly agreed to and finally passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Fritts

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 159 Wilson Wooten Mr. Speaker

NOES: 005

Ford Froelker Green Gunn Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Cierpiot Daniel 42 Franklin Goward Hand
Lakin Thompson 37 Townley Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Boucher, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SB 218**, relating to regional jail districts, was taken up by Representative Crump.

On motion of Representative Crump, **CCR HS HCS SB 218**, was adopted.

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lawson
Leake Legan Levin Liese Linton
Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Gunn

PRESENT: 000

ABSENT WITH LEAVE: 010

Bauer Daniel 42 Dolan Edwards-Pavia Gibbons

Hand Lakin Thompson 37 Townley Williams 121

On motion of Representative Crump, **CCS HS HCS SB 218** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Dougherty Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Marble May 108 Mays 50 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Skaggs Smith Steen Stokan Stoll
Stroker Summers Surface Tate Thomason 163
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 001

Gunn

PRESENT: 000

ABSENT WITH LEAVE: 011

Clayton Daniel 42 Dolan Edwards-Pavia Hand
Lakin Lumpe Pouche Sallee Thompson 37
Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SCS SB 89, as amended**, relating to regional jail districts, was taken up by Representative Legan.

On motion of Representative Legan, **CCR HS HCS SCS SB 89, as amended**, was adopted by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Enz Evans Farnen
Fitzwater Foley Ford Foster Franklin
Fritts Froelker Gaskill Gaston Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Hohulin Holand Hollingsworth Hoppe Hosmer
Howerton Johnson Kasten Kauffman Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Treadway Troupe Van Zandt
Vogel Wannenmacher Wiggins Williams 159 Wilson
Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniel 42 Edwards-Pavia Farmer Gibbons Hand

Harlan Lakin Thompson 37 Townley Williams 121

On motion of Representative Legan, **CCS HS HCS SCS SB 89** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Murphy

PRESENT: 000

ABSENT WITH LEAVE: 009

Bauer Daniel 42 Edwards-Pavia Ford Hagan-Harrell
Hand Lakin Thompson 37 Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative Farmer moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HB 394**, relating to vehicle license plates, was taken up by Representative Loudon.

On motion of Representative Loudon, **CCR SCS HB 394** was adopted by the following vote:

AYES: 129

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bauer Bennett 15 Bonner
Boucher Bray 84 Broach Burton Campbell
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniels 41 Davis 63
Davis 122 DeMarce Dolan Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Ford Foster Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Gratz Green Griesheimer Gross
Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124
Heckemeyer Hendrickson Hickey Hohulin Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kauffman Kelley 47 Kennedy Kissell Kreider
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe May 108 Mays 50 McBride McClelland
McLuckie Monaco Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Scheve Schilling Schwab Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Smith Steen Stokan Stoll Stroker

Summers Tate Thomason 163 Treadway Troupe

Vogel Wiggins Williams 121 Mr. Speaker

NOES: 025

Bartelsmeyer Bland Boatright Carter Days

Fitzwater Franklin Harlan Hegeman Kasten

Kelly 27 Koller Marble Merideth Miller

Murphy Murray Purgason Sallee Shields

Van Zandt Wannenmacher Williams 159 Wilson Wooten

PRESENT: 000

ABSENT WITH LEAVE: 009

Berkstresser Daniel 42 Foley Hand Lakin

Scott Surface Thompson 37 Townley

On motion of Representative Loudon, **CCS SCS HB 394** was read the third time and passed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Ford Foster

Fritts Froelker Gaskill Gaston Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Kreider Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 002

Franklin Koller

PRESENT: 000

ABSENT WITH LEAVE: 009

Daniel 42 Foley Gibbons Hand Harlan

Lakin Sheldon 104 Thompson 37 Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Fritts, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Heckemeyer moved that motion lay on the table.

The latter motion prevailed.

**CCR HS HCS SCS SB 141, as amended**, relating to professional registration, was taken up by Representative Treadway.

On motion of Representative Treadway, **CCR HS HCS SCS SB 141, as amended,** was adopted by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Ford Foster Franklin

Fritts Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 003

Froelker Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 010

Bartelsmeyer Daniel 42 Foley Hand Lakin

Lograsso Reinhart Sheldon 104 Thompson 37 Townley

On motion of Representative Treadway, **CCS HS HCS SCS SB 141** was truly agreed to and finally passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Evans

Farmer Farnen Fitzwater Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Lumpe Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel 42 Foley Gibbons Goward Hand

Lakin Thompson 37 Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hickey, title to the bill was agreed to.

Representative Hosmer moved that the vote by which the bill passed be reconsidered.

Representative Johnson moved that motion lay on the table.

The latter motion prevailed.

**CCR SS SCS HB 207, as amended**, relating to bonding for motor vehicle dealers, was taken up by Representative Koller.

On motion of Representataive Koller, **CCR SS SCS HB 207, as amended,** was adopted by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Bray 84

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Tate Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Wilson Wooten

Mr. Speaker

NOES: 005

Broach Murphy Sheldon 104 Thomason 163 Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 012

Bennett 15 Daniel 42 Foley Ford Goward

Hagan-Harrell Hand Lakin Shelton 57 Surface

Thompson 37 Townley

On motion of Representative Koller, **CCS SS SCS HB 207** was read the third time and passed by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Daniels 41 Davis 63 Davis 122

Days DeMarce Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foster Franklin Fritts Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Secrest

Seigfreid Shear Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Wilson Wooten Mr. Speaker

NOES: 003

Sheldon 104 Thomason 163 Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 012

Crump Daniel 42 Dolan Foley Ford

Froelker Goward Hand Lakin Scott

Thompson 37 Townley

Speaker Pro Tem Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 137

Alter Auer Backer Ballard Barnett 4

Barry 100 Bauer Bennett 15 Berkstresser Bland

Bonner Boucher Bray 84 Burton Campbell

Carter Champion Cierpiot Clayton Cooper

Copeland Crawford Crump Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Elliott Enz Evans Farmer

Farnen Fitzwater Foley Foster Franklin

Fritts Gaskill Gibbons Graham 24 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell
Hall Hartzler 123 Heckemeyer Hegeman Hendrickson
Hickey Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lawson
Leake Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Miller
Monaco Murphy Murray Naeger Nordwald
O'Connor O'Toole Ostmann Overschmidt Parker
Patek Pouche Pryor Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Stokan Stoll Stroker Summers Surface
Tate Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 015

Akin Bartelsmeyer Boatright Broach Chrismer
Edwards-Pavia Froelker Gaston Graham 106 Hartzler 124
Holand Merideth Purgason Steen Thomason 163

PRESENT: 000

ABSENT WITH LEAVE: 011

Daniel 42 Ford Goward Hand Harlan
Hohulin Lakin Legan Levin Thompson 37
Townley

On motion of Representative Hosmer, title to the bill was agreed to.

Representative Kennedy moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**BILL CARRYING REQUEST MESSAGE**

**HS SS SB 97, as amended,** relating to Confidential Mental Health Reports, was taken up by Representative Green.

Representative Green moved that the House refuse to recede from its position on **HS SS SB 97, as amended,** and grant the Senate a conference.

Which motion was adopted.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 831, with Senate Committee Amendment No. 1 and Senate Amendment No. 1** , relating to planning commission, was taken up by Representative Griesheimer.

On motion of Representative Griesheimer, the House concurred in Senate Committee Amendment No. 1 and Senate Amendment No. 1 by the following vote:

AYES: 148

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Hohulin Patek

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard Bonner Daniel 42 Ford Green

Hand Harlan Lakin Richardson Shelton 57

Thompson 37 Townley Williams 121

On motion of Representative Griesheimer, **HB 831, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Broach Patek

PRESENT: 000

ABSENT WITH LEAVE: 007

Crump Daniel 42 Ford Hand Lakin

Sallee Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lawson, title to the bill was agreed to.

Representative Lumpe moved that the vote by which the bill passed be reconsidered.

Representative McBride moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

**SCS HS HCS HB 738, as amended,** relating to zero tolerance, was taken up by Representative Hosmer.

Representative Hosmer moved that the House refuse to adopt **SCS HS HCS HB 738, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference and the conferees be allowed to exceed the differences.

Which motion was adopted.

**HS HB 389. with Senate Committee Amendment Nos. 1 and 2, and Senate Amendment No. 1**, relating to parking for the physically disabled, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, the House concurred in Senate Committee Amendment Nos. 1 and

2, and Senate Amendment No. 1 by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniels 41 Davis 63 Davis 122
Days DeMarce Dolan Donovan Edwards-Pavia
Elliott Enz Evans Farmer Farnen
Fitzwater Foley Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 24 Graham 106 Gratz Green Griesheimer
Gross Gunn Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Treadway Troupe
Van Zandt Vogel Wannenmacher Wiggins Williams 121
Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 008

Boucher Daniel 42 Dougherty Ford Hand

Harlan Thompson 37 Townley

Speaker Pro Tem Kreider resumed the Chair.

On motion of Representative Luetkenhaus, **HS HB 389, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Copeland Crawford Crump

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Edwards-Pavia Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Tate Thomason 163 Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Bennett 15 Clayton Cooper Daniel 42 Dougherty

Elliott Farmer Ford Hand Harlan

Miller Purgason Thompson 37 Townley

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Copeland, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 635, with Senate Amendment Nos. 1 and 2**, relating to hepatitis immunication, was taken up by Representative Kennedy.

On motion of Representative Kennedy, the House concurred in Senate Amendment Nos. 1 and 2 by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Elliott

Enz Evans Farmer Farnen Fitzwater

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Green

Griesheimer Gross Gunn Hagan-Harrell Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Linton Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 001

Hall

PRESENT: 000

ABSENT WITH LEAVE: 016

Cooper Daniel 42 Dougherty Edwards-Pavia Foley

Ford Goward Gratz Hand Harlan

Lakin Lograsso Pryor Steen Thompson 37

Townley

On motion of Representative Kennedy, **HCS HB 635, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 144

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Bland

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Cierpiot

Clayton Copeland Crawford Crump Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Gross Gunn

Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hoppe Hosmer Howerton Johnson Kasten
Kauffman Kelley 47 Kelly 27 Kennedy Kissell
Koller Kreider Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hall

PRESENT: 000

ABSENT WITH LEAVE: 018

Bauer Berkstresser Chrismer Cooper Daniel 42
Donovan Dougherty Foley Ford Goward
Griesheimer Hand Harlan Lakin Pryor
Thompson 37 Townley Williams 121

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Stoll, title to the bill was agreed to.

Representative Stroker moved that the vote by which the bill passed be reconsidered.

Representative Schwab moved that motion lay on the table.

The latter motion prevailed.

**THIRD READING OF SENATE BILL**

**HCS SCS SB 140**, relating to motor vehicles, was taken up by Representative Koller.

Representative Thomason (163) offered **HS HCS SCS SB 140**.

Representative Thomason (163) offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 9, Section 303.026, Line 5, by adding after "RSMo," the following, "or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo."

On motion of Representative Thomason (163), House Amendment No. 1 was adopted.

Representative Thomason (163) offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Pages 21 to 24, Section 379.203, by striking all of said lines, and

Further amend said bill by amending the title and enacting clause accordingly.

On motion of Representative Thomason (163), House Amendment No. 2 was adopted.

Representative Relford offered House Amendment No. 3.

Representative Thomason (163) raised a point of order that House Amendment No. 3 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative May (108) offered House Amendment No. 3.

Representative Ross raised a point of order that House Amendment No. 3 goes beyond the scope of the bill .

The Chair ruled the point of order well taken.

Representative Ross offered House Amendment No. 3.

House Amendment No. 3 was withdrawn.

**HCS SCS SB 140, with HS, as amended, pending,** was laid over.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**HS SS SB 97:** Representatives Green, Kissell, Parker, Donovan and Murphy

**SS HS HB 811:** Representatives Lakin, Lumpe, Dougherty, McClelland and Donovan

**HCS HB 288:** Representatives Lumpe, Wiggins, Williams (121), Griesheimer and Crawford

**CONFERENCE COMMITTEE REPORT #3**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 276**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee from the House, on Senate Committee Substitute for House Committee Substitute for House Bill No. 276, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 276;

2. That the House recede from its position on House Committee Substitute for House Bill No. 276;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 276 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ D. J. Davis (122) /s/ Ed Quick

/s/ Bill Skaggs /s/ William McKenna

/s/ Tim Harlan /s/ John Scott

/s/ Bill Linton /s/ Doyle Childers

/s/ Bonnie Sue Cooper /s/ Betty Sims

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Alisa Beth Townley.

**RESOLUTIONS**

Representative Elliott offered House Resolution No. 1368, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kissell offered House Resolution No. 1369, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 1370, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Thompson (37) offered House Resolution No. 1371, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boatright offered House Resolution No. 1372, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McClelland offered House Resolution Nos. 1373 through 1381, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Vogel offered House Resolution No. 1382, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Thompson (37) offered House Resolution No. 1383, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hartzler (124) offered House Resolution Nos. 1384 through 1386 which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 1387, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hohulin offered House Resolution No. 1388, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 1389, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cierpiot offered House Resolution Nos. 1390 through 1417, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Ross offered House Resolution No. 1418, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Gunn

NOES: 000

PRESENT: 147

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Broach

Burton Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Thompson 37

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

ABSENT WITH LEAVE: 015

Bland Bray 84 Campbell Daniel 42 Daniels 41

Farmer Foley Hand Harlan Hickey

Hohulin Levin Lograsso O'Connor Ridgeway

Speaker Gaw assumed the Chair.

**SIGNING OF HOUSE JOINT RESOLUTIONS**

All other business of the House was suspended while **HJR 2, HCS HJR 9, SCS HJR 16** and **HJR 18** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HJR 2, HCS HJR 9, SCS HJR 16** and **HJR 18** were delivered to the Secretary of State by the Chief Clerk of the House.

**BILL IN CONFERENCE**

**CCR # 3 SCS HCS HB 276, as amended**, relating to amusement ride safety, was taken up by Representative Davis (122).

On motion of Representative Davis (122), **CCR # 3 HCS HB 276, as amended,** was adopted by the following vote:

AYES: 145

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Davis 63 Davis 122 DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Foley

Ford Foster Franklin Fritts Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Linton

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Thompson 37 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 002

Akin Froelker

PRESENT: 000

ABSENT WITH LEAVE: 016

Bland Daniel 42 Daniels 41 Days Hagan-Harrell

Hand Harlan Hohulin Kelly 27 Legan

Levin Lograsso Long Ridgeway Shear

Sheldon 104

On motion of Representative Davis (122), **CCS # 3 SCS HCS HB 276** was read the third time and passed by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Davis 63 Davis 122 DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Liese Linton

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Van Zandt Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bland Daniel 42 Daniels 41 Days Hand

Harlan Hohulin Levin Lograsso Schilling

Thompson 37 Troupe Vogel

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Hoppe, title to the bill was agreed to.

Representative Johnson moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

**RESOLUTION**

**HR 1167**, relating to interim employees, was taken up by Representative Skaggs.

Representative Skaggs offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Resolution No. 1167, Page 1992, of the House Journal of the 71st day, Paragraph 3 of said Resolution, Line 1 of said paragraph, by striking "House Bill No. 12" and inserting in lieu thereof "a bill authorizing funding for the General Assembly"; and

Further amend said Resolution, same page, paragraph 4, Line 3, of said paragraph, by striking "pursuant to House Bill No. 12"; and

Further amend said Resolution, same page and paragraph, Lines 5-6, of said paragraph, by striking "House Bill No. 12" and inserting in lieu thereof "the appropriation bill authorizing funding for the General Assembly"

On motion of Representative Skaggs, House Amendment No. 1 was adopted.

On motion of Representative Skaggs, **HR 1167, as amended**, was adopted.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the Constitution of Missouri, relating to joint municipal utility commission revenue bonds, and adopting one new section in lieu thereof relating to the same subject.

With Senate Substitute Amendment No. 1 for Senate Amendment No. 1

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND House Joint Resolution No. 11, Page 1, In the Title, Line 3, by striking the following: "joint municipal utility commission revenue bonds" and inserting in lieu thereof the following: "the provisions of certain public services"; and

Further amend said bill and page, the preamble, line 4, by striking the following: "the following amendment" and inserting in lieu thereof the following: "by two separate questions, the following amendments"; and

Further amend said bill, page 2, section 27, line 22, by inserting immediately after all of said line the following:

"Section B. Article VI, Constitution of Missouri, is amended by adding thereto one new section, to be known as section 30(c), to read as follows:

**Section 30(c). Any entity created pursuant to Article VI, Section 30(a) of this Constitution which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon such entity, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute.**"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 32**, entitled:

An act relating to certain health care providers.

With Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Amendment No. 7

*Senate Amendment No. 2*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 3, Section 2, Line 22, by deleting all of said line; and

Further amend said bill, Page 4, Section 2, Lines 1-13, by deleting all of said lines and place in lieu thereof:

(a) Meet the following quality standards in accordance with guide lines established by the Missouri Board of Healing Arts.

*Senate Amendment No. 3*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 191.227, RSMo 1994, relating to certain health care providers, and to enact in lieu thereof seven new sections relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting immediately before all of said line the following:

"Section A. Section 191.227, RSMo 1994, is repealed and seven new sections enacted in lieu thereof, to be known as sections 191.227, 1, 2, 3, 4, 5 and 6, to read as follows:

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of [fifteen] **twenty-five** dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.".

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 32, at the end, by inserting after all of said line the following:

"334.253. 1. A physician may not make a referral to an entity for the furnishing of any physical therapy services with whom the physician, physician's employer, or immediate family member of such referring physician has a financial relationship. A financial relationship exists if the referring physician, the referring physician's employer, or immediate family member:

(1) Has a direct or indirect ownership or investment interest in the entity whether through equity, debt, or other means; or

(2) Receives remuneration from a compensation arrangement from the entity for the referral.

2. The following financial arrangements shall be exempt from disciplinary action under this section:

(1) When the entity with whom the referring physician has an ownership or investment interest is the sole provider of the physical therapy service within a rural area;

(2) When the referring physician owns registered securities issued by a publicly held corporation or publicly traded limited partnership, the shares of which are traded on a national exchange or the over-the-counter market, provided that such referring physician's interest in the publicly held corporation or publicly traded limited partnership is less than five percent and the referring physician does not receive any compensation from such publicly held corporation or publicly traded limited partnership other than as any other owner of the shares of such publicly held corporation or publicly traded limited partnership;

(3) When the referring physician has an interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or is otherwise unrelated to fair market value;

(4) When the indirect ownership in the entity is by means of a bona fide debt incurred in the purchase or acquisition of the entity for a price which does not in any manner reflect the potential source of referrals from the physician with the indirect interest in the entity and the terms of the debt are fair market value, and neither the amount or the terms of the debt in any manner, directly or indirectly, constitutes a form of compensating such physician for the source of his business;

(5) When such physician's employer is a health maintenance organization as defined in subdivision (6) of section 376.960, RSMo, and such health maintenance organization owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy services or the health maintenance organization and the referring physician does not receive any remuneration as the result of the referral;

(6) When such physician's employer is a hospital defined in section 197.020, RSMo, and such hospital owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy service, or the hospital and the referring physician does not receive any remuneration as the result of the referral.

3. [The provisions of sections 334.252 and 334.253 shall become effective January 1, 1995] **The provisions of this section shall not apply to physiatrists or to any essential community provider**."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 5, Section 4, Line 19, by inserting following said line:

"No health care insurer shall be required to offer a provider contract to an essential community provider."

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SCS SB 165 as amended**: Senators Mathewson, DePasco, Scott, Kinder and Childers.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HCS HB 738 as amended** and grants the House a conference thereon and the conferees are allowed to exceed the differences.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Caskey, Jacob, Goode, Ehlmann and Singleton.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HS SS SB 97 as amended**: Senators Schneider, Wiggins, Goode, Ehlmann and Klarich.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 288 as amended**: Senators Goode, Caskey, Maxwell, Flotron and Ehlmann.

**THIRD READING OF SENATE BILL**

**HCS SCS SB 140, with HS, as amended, pending,** relating to motor vehicles, was again taken up by Representative Koller.

Representative Carter offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 24, Section 379.203, Line 17, by inserting immediately after said line, the following:

"**Section 1. An automobile insurer shall not disqualify or otherwise discriminate against an insured or an applicant for insurance based on information contained in a credit report.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Carter, House Amendment No. 3 was adopted by the following vote:

AYES: 077

Auer Backer Barry 100 Bland Bonner

Boucher Bray 84 Campbell Carter Champion

Clayton Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dougherty Edwards-Pavia Farmer

Farnen Fitzwater Foley Ford Franklin

Fritts Goward Graham 24 Green Hagan-Harrell

Harlan Heckemeyer Hickey Hollingsworth Johnson

Kelly 27 Kennedy Kissell Kreider Lakin

Lawson Lograsso Luetkenhaus Lumpe May 108

Mays 50 McBride McLuckie Monaco Murphy

Murray O'Connor Overschmidt Parker Ransdall

Relford Rizzo Sallee Scheve Schilling

Seigfreid Shear Sheldon 104 Shelton 57 Skaggs

Stokan Stoll Stroker Tate Thomason 163

Thompson 37 Troupe Van Zandt Wiggins Williams 121

Wilson Mr. Speaker

NOES: 075

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bauer Bennett 15 Berkstresser Boatright Broach

Burton Chrismer Cierpiot Cooper Copeland

Crawford Dolan Donovan Elliott Enz

Evans Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Griesheimer Gross

Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Hoppe Howerton Kasten

Kauffman Kelley 47 Legan Levin Liese

Linton Long Loudon Marble McClelland

Merideth Miller Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Schwab Scott Secrest

Shields Smith Steen Summers Surface

Townley Treadway Vogel Wannenmacher Wooten

PRESENT: 001

Ross

ABSENT WITH LEAVE: 010

Daniel 42 Gunn Hand Hosmer Koller

Leake Naeger O'Toole Reynolds Williams 159

Representative Gratz offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 1, Section A, Line 14, by inserting after said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal traffic ordinance not listed in this section, other than a violation of vehicle equipment provisions . . . . . 2 points

(except any violation of municipal stop sign ordinance where no accident is involved . . . . . 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo . . . . . 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a license after suspension or revocation and prior to restoration of

operating privileges which have been suspended or revoked 12 points

(6) Obtaining a license by misrepresentation 12 points

(7) For the first conviction of driving while in an intoxicated condition or under the influence

of controlled substances or drugs . . . . . 8 points

(8) For the second or subsequent conviction of any of the following offenses however

combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight . . . 12 points

(9) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law . . . . . 8 points

In violation of a county or municipal ordinance . . . 8 points

(10) Any felony involving the use of a motor vehicle . . . . . 12 points

(11) Knowingly permitting unlicensed operator to operate a motor vehicle . . . . . 4 points

**(12) Knowingly operating a vehicle without possession of proof of liability insurance 4 points**

2. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

3. When any of the acts listed in subdivision (2), (3), (4) or (7) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (7), (8) and (9) of subsection 1 of this section, no person shall be tried or convicted for more than one offense under subdivisions (7), (8) and (9) of subsection 1 of this section for offenses arising out of the same occurrence.

4. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation under subdivision (1), (2), or (4) of subsection 1 of this section or under subsection 2 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety under sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and must be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction under the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."

On motion of Representative Gratz, House Amendment No. 4 was adopted.

Representative Dougherty offered House Amendment No. 5.

Representative Thomason (163) raised a point of order that House Amendment No. 5 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Loudon offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 2, Section 303.024, Line 16, by inserting after all of said line the following:

"**(6) Effective January 1, 1999, notification that uninsured motorist coverage does not cover vehicle repair costs;**"; and

Further amend said bill, Page 2, Section 303.024, Line 17, by deleting the number "(6)" and inserting in lieu thereof the following: "[(6)] **7.**".

Representative Wannenmacher offered House Substitute Amendment No. 1 for House Amendment No. 5.

*House Substitute Amendment No. 1*

*for*

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 2, Section 303.024, Line 16, by inserting after all of said line the following:

"**(6) Effective January 1, 1999, notification that uninsured motorist coverage does not cover vehicle repair costs;**"; and **also shall tattoo the above listed disclosure on the policy holder's right arm.**

Further amend said bill, Page 2, Section 303.024, Line 17, by deleting the number "(6)" and inserting in lieu thereof the following: "[(6)] **7.**".

Representative Wannenmacher moved that House Substitute Amendment No. 1 for House Amendment No. 5 be adopted.

Which motion was defeated.

Representative Loudon moved that House Amendment No. 5 be adopted.

Which motion was defeated.

Representative Lograsso, having voted on the prevailing side, moved that the vote by which House Amendment No. 3 was adopted be reconsidered.

Which motion was adopted by the following vote:

AYES: 133

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bonner

Boucher Bray 84 Broach Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniels 41

Davis 63 DeMarce Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Gaston

Gibbons Goward Graham 24 Graham 106 Gratz
Griesheimer Gross Hagan-Harrell Hall Hartzler 123
Hartzler 124 Heckemeyer Hendrickson Hickey Holand
Hollingsworth Hoppe Hosmer Howerton Johnson
Kasten Kauffman Kelly 27 Kennedy Kissell
Koller Kreider Lakin Leake Legan
Levin Liese Linton Lograsso Loudon
Luetkenhaus Marble May 108 Mays 50 McBride
McLuckie Merideth Miller Murphy Murray
Naeger Nordwald O'Connor O'Toole Ostmann
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Reynolds Ridgeway
Rizzo Robirds Ross Scheve Schilling
Schwab Scott Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Thompson 37 Townley Treadway
Troupe Van Zandt Wannenmacher Williams 121 Williams 159
Wilson Wooten Mr. Speaker

NOES: 007

Auer Boatright Froelker Hegeman Hohulin
Monaco Secrest

PRESENT: 000

ABSENT WITH LEAVE: 023

Bauer Bland Daniel 42 Davis 122 Days
Dolan Farmer Ford Gaskill Green
Gunn Hand Harlan Kelley 47 Lawson
Long Lumpe McClelland Relford Richardson
Sallee Vogel Wiggins

House Amendment No. 3 was again taken up by Representative Carter.

On motion of Representative Carter, House Amendment No. 3 was adopted by the following vote:

AYES: 079

Auer Backer Barry 100 Bland Bonner
Boucher Bray 84 Campbell Carter Clayton

Copeland Crump Daniels 41 Davis 63 Days
DeMarce Edwards-Pavia Farmer Farnen Fitzwater
Foley Ford Franklin Fritts Goward
Graham 24 Green Gunn Hagan-Harrell Harlan
Heckemeyer Hickey Hollingsworth Hosmer Johnson
Kelly 27 Kennedy Kissell Koller Kreider
Lakin Lawson Luetkenhaus Lumpe May 108
Mays 50 McBride McLuckie Monaco Murphy
Murray O'Connor O'Toole Overschmidt Parker
Ransdall Reynolds Rizzo Ross Scheve
Schilling Seigfreid Shear Sheldon 104 Shelton 57
Skaggs Stoll Stroker Tate Thomason 163
Thompson 37 Townley Troupe Van Zandt Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 076

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bauer Bennett 15 Berkstresser Boatright Broach
Burton Champion Chrismer Cierpiot Cooper
Crawford Davis 122 Dolan Donovan Dougherty
Elliott Enz Evans Foster Froelker
Gaskill Gaston Gibbons Graham 106 Gratz
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hohulin Holand Hoppe
Howerton Kasten Kauffman Leake Legan
Levin Liese Linton Lograsso Long
Loudon Marble McClelland Merideth Miller
Naeger Ostmann Patek Pouche Pryor
Purgason Reinhart Richardson Ridgeway Robirds
Sallee Schwab Scott Secrest Shields
Steen Summers Surface Treadway Wannenmacher
Wooten

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniel 42 Hand Kelley 47 Nordwald Relford
Smith Stokan Vogel

Representative Luetkenhaus offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, In the Title, Line 6, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 12, by deleting the word "ten" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 14, by deleting the word and number "and 379.203" and inserting in lieu thereof the following: ", 379.203 and 1"; and

Further amend said bill, Page 24, Section 379.203, Line 17, by adding after all of said line the following:

"**Section 1. 1. The provisions of this section shall only apply to any county of the first classification with a charter form of government with a population of at least two hundred thousand inhabitants that adjoins a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants.**

**2. For financial responsibility when dealing with motor vehicles of others, whenever a towing company bids on a contract with a political subdivision for towing services, the towing company or its subsidiary or affiliate shall present proof to the political subdivision that:**

**(1) The company has a surety bond of not less than one hundred thousand dollars per occurrence;**

**(2) The towing company owns at least ninety percent of the towing vehicles which are to be used in connection with the towing contract.**

**3. The provisions of this section shall not apply to towing companies, with their subsidiaries and affiliates combined, that have less than five towing vehicles.**".

On motion of Representative Luetkenhaus, House Amendment No. 6 was adopted.

Representative Froelker offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 6, Section 303.025, Line 11, by deleting "thirty" on said line and inserting in lieu thereof "ten"

On motion of Representative Froelker, House Amendment No. 7 was adopted.

Representative Surface offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 8, Section 303.026, Line 19, by removing the words "most demonstrate to" and replace with "demonstrates to"

On motion of Representative Surface, House Amendment No. 8 was adopted.

Representative Lumpe offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 140, Page 24, Section 379.203, Line 17 of said page, by inserting immediately after all of said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program **[**under**]** **pursuant to** sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305**[**, except that no motor vehicle emission inspection program shall be established under this section in any area for which the sale or dispensing of conventional gasoline for use in motor vehicles is prohibited under the federal Clean Air Act, as amended, 42 U.S.C. 7545**]**. The commission shall ensure that, for each nonattainment area, the state implementation plan established **[**under**]** **pursuant to** subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established **[**under**]** **pursuant to** subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated **[**under**]** **pursuant to** this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission **[**under**]** **pursuant to** this section in lieu of the provisions of section 307.366, RSMo.

2. The department shall contract with one or more persons to provide any motor vehicle emissions inspection program established **[**under**]** **pursuant to** sections 643.300 to 643.355.

3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program **[**under**]** **pursuant to** this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program **[**under**]** **pursuant to** this section.

6. With approval of the commission and **[**under**]** **pursuant to** rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and under rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established **[**under**]** **pursuant to** this subsection shall be performed by a contractor selected by the commission **[**under**]** **pursuant to** this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections **[**under**]** **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established **[**under**]** **pursuant to** sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program **[**under**]** **pursuant to** sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri Analyzer System emission inspection equipment used to provide emissions inspections **[**under**]** **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established **[**under**]** **pursuant to** sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program **[**under**]** **pursuant to** sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund." ; and

Further amend title and enacting clause accordingly.

Representative Lumpe moved that House Amendment No. 9 be adopted.

Which motion was defeated.

On motion of Representative Thomason (163), **HS HCS SCS SB 140, as amended,** was adopted.

On motion of Representative Thomason (163), **HS HCS SCS SB 140, as amended,** was read the third time and passed by the following vote:

AYES: 155

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Edwards-Pavia
Enz Evans Farmer Farnen Fitzwater
Ford Foster Franklin Fritts Froelker
Gaskill Gaston Gibbons Goward Graham 24
Graham 106 Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Skaggs Smith
Steen Stokan Stoll Stroker Summers
Surface Tate Thomason 163 Thompson 37 Townley
Treadway Troupe Van Zandt Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Elliott

PRESENT: 000

ABSENT WITH LEAVE: 007

Bennett 15 Daniel 42 Daniels 41 Foley Gratz

Hand Vogel

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Barry moved that the vote by which the bill passed be reconsidered.

Representative Bauer moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SS HCS HBs 641 and 593, as amended**, relating to state aid for special education, was taken up by Representative Fitzwater.

Representative Fitzwater moved that the House refuse to adopt **SS HCS HBs 641 and 593, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 141**, and requests the House take up and pass the Bill.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 394**, and has taken up and passed **CCS SCS HB 394**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 342**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HB 207 as amended**, and has taken up and passed **CCS SS SCS HB 207**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 1** and **HA 2** to **SB 171** and has taken up and passed **SB 171 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 320 as amended** and has taken up and passed **HCS SB 320 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HPA 1** to **SS HB 578** and has taken up and passed **SS HB 578 as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HJR 1**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

With Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1 as amended.

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 1, Page 1, Line 11, by inserting immediately after said line the following:

"**3. Any funds received by state, county and municipal law enforcement agencies as a result of federal forfeiture proceedings shall be deposited in the fund established pursuant to subsection 2 of this section.**"

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Joint Resolution No. 1, Page 2, Section 7, Lines 15-22, by striking all of said lines and inserting in lieu thereof the following:

"**2. The proceeds of all forfeitures collected for any breach of a penal law shall be remitted to the director of revenue for deposit in a fund established in the state treasury. Fifty percent of the deposited moneys in the fund shall annually be appropriated by the general assembly for training for peace officers and for distribution to state, county and municipal law enforcement agencies and prosecuting and circuit attorneys as provided by law. The remaining fifty percent of these proceeds shall be transferred to the state school moneys fund or its successor fund established by law.**".

In which the concurrence of the House is respectfully requested.

**BILLS CARRYING REQUEST MESSAGES**

**HCS SS SB 248, as amended,** relating to courts, was taken up by Representative May (108).

Representative May (108) moved that the House refuse to recede from its position on **HCS SS SB 248, as amended,** and grant the Senate a conference.

Which motion was adopted.

**SCS HCS HB 141**, relating to convenience store safety, was taken up by Representative Smith.

On motion of Representative Smith, the Conference Committee was dissolved, and **SCS HCS HB 141** was adopted by the following vote:

AYES: 122

Akin Alter Backer Barry 100 Bauer

Bennett 15 Bonner Boucher Bray 84 Broach

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Copeland Crump Daniels 41

Davis 63 Davis 122 Days Donovan Dougherty

Edwards-Pavia Elliott Enz Farnen Fitzwater

Ford Franklin Fritts Gaskill Gibbons

Goward Graham 24 Graham 106 Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Heckemeyer Hendrickson Hickey Holand Hollingsworth

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Long Loudon Luetkenhaus Lumpe May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Relford Reynolds

Richardson Ridgeway Rizzo Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Williams 159 Wilson

Wooten Mr. Speaker

NOES: 025

Ballard Barnett 4 Bartelsmeyer Berkstresser Boatright

Champion DeMarce Evans Foster Froelker

Gaston Hartzler 123 Hartzler 124 Hegeman Hohulin

Hoppe Lograsso Marble Patek Pryor

Purgason Reinhart Robirds Summers Wannenmacher

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 015

Auer Bland Crawford Daniel 42 Farmer

Foley Gratz Hand Hosmer Kissell

Linton Thompson 37 Vogel Wiggins Williams 121

On motion of Representative Smith, **SCS HCS HB 141** was truly agreed to and finally passed by the following vote:

AYES: 120

Akin Alter Backer Barry 100 Bauer
Bonner Boucher Broach Burton Campbell
Carter Champion Chrismer Cierpiot Clayton
Cooper Copeland Crump Daniels 41 Davis 63
Davis 122 Days Donovan Dougherty Edwards-Pavia
Elliott Enz Farnen Fitzwater Foley
Franklin Fritts Gaskill Gibbons Goward
Graham 24 Graham 106 Green Gross Gunn
Hagan-Harrell Hall Harlan Heckemeyer Hendrickson
Hickey Holand Hollingsworth Howerton Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Long
Luetkenhaus Lumpe May 108 Mays 50 McBride
McClelland McLuckie Merideth Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Ransdall
Relford Reynolds Richardson Ridgeway Rizzo
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Surface Tate
Thomason 163 Townley Treadway Troupe Van Zandt
Wannenmacher Williams 159 Wilson Wooten Mr. Speaker

NOES: 024

Ballard Barnett 4 Bartelsmeyer Berkstresser Boatright
DeMarce Evans Foster Froelker Gaston
Griesheimer Hartzler 123 Hartzler 124 Hegeman Hohulin
Hoppe Lograsso Loudon Marble Miller
Patek Reinhart Robirds Summers

PRESENT: 001

Dolan

ABSENT WITH LEAVE: 018

Auer Bennett 15 Bland Bray 84 Crawford

Daniel 42 Farmer Ford Gratz Hand

Hosmer Linton Pryor Purgason Thompson 37

Vogel Wiggins Williams 121

Speaker Gaw declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Heckemeyer moved that the vote by which the bill passed be reconsidered.

Representative Hollingsworth moved that motion lay on the table.

The latter motion prevailed.

**COMMITTEE REPORT**

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **SCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Committee Resolution No. 25, Page 1, Line 7 from the bottom of the page, by inserting immediately before the word "thirteen" the words "at least"; and

Further amend said resolution, Page 2, Line 4 from the top of the page, by inserting immediately after the word "appoint" the words "at least"; and

Further amend said resolution, Page 2, Line 6 from the bottom of the page, by striking the word "Speaker" and inserting in lieu thereof the word "President".

**HOUSE BILL WITH SENATE AMENDMENTS**

**HJR 11, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1**, relating to sewer plants, was taken up by Representative Leake.

Representative Leake moved that the House refuse to concur in **Senate Substitute Amendment No. 1 for Senate Amendment No. 1** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**BILL IN CONFERENCE**

**CCR HCS SCS SB 316**, relating to property, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **CCR HCS SCS SB 316** was adopted by the following vote:

AYES: 150

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Lumpe

Marble May 108 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Wannenmacher Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Bennett 15 Bland Boatright Donovan Gratz

Hand Hosmer Luetkenhaus Mays 50 Thompson 37

Vogel Wiggins Williams 121

On motion of Representative Hoppe, **CCS HCS SCS SB 316** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Goward Graham 24 Graham 106 Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hohulin Holand Hollingsworth Hoppe

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Loudon Lumpe

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Murphy Murray

Naeger Nordwald O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Bennett 15 Donovan Gibbons Gratz Hand

Hosmer Lograsso Luetkenhaus Monaco Reinhart

Thompson 37 Vogel

Speaker Gaw declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Parker moved that the vote by which the bill passed be reconsidered.

Representative Scheve moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SS SCS HB 32, as amended,** relating to community providers, was taken up by Representative Bland.

Representative Bland moved that the House refuse to adopt **SS SCS HB 32, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**SS HCS HB 509, as amended**, relating to grandparents as foster parents program, was taken up by Representative Bland.

On motion of Representative Bland, **SS HCS HB 509, as amended,** was adopted by the following vote:

AYES: 140

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

DeMarce Dolan Donovan Edwards-Pavia Elliott

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fritts Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Green Griesheimer Gross Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Long Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stroker Summers Surface

Tate Thomason 163 Townley Treadway Van Zandt

Wannenmacher Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 023

Berkstresser Crump Days Dougherty Farmer

Froelker Gratz Gunn Hagan-Harrell Hand

Harlan Hosmer Lograsso Loudon Luetkenhaus

Richardson Scott Stoll Thompson 37 Troupe

Vogel Wiggins Williams 121

On motion of Representative Bland, **SS HCS HB 509, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Green Griesheimer
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hohulin
Holand Hollingsworth Hoppe Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Patek
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Shear Sheldon 104
Shelton 57 Shields Skaggs Smith Steen
Stokan Stoll Stroker Summers Surface
Tate Thomason 163 Townley Treadway Van Zandt
Wannenmacher Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Berkstresser Dougherty Farmer Gratz Gross
Gunn Hand Richardson Thompson 37 Troupe
Vogel Wiggins

Speaker Gaw declared the bill passed.

On motion of Representative Days, title to the bill was agreed to.

Representative Skaggs moved that the vote by which the bill passed be reconsidered.

Representative Stroker moved that motion lay on the table.

The latter motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committee to act with like committees from the Senate on the following bills:

**SCS HS HCS HB 738**: Representatives Hosmer, Smith, Williams (121), Alter and Patek.

**HCS SS SB 248**: Representatives May (108), O'Toole, DeMarce, Ridgeway and Naeger.

**THIRD READING OF SENATE BILL**

**HCS SS SB 361, as amended,** relating to child support enforcement, was again taken up by Representative Dougherty.

Representative Green offered House Amendment No. 5

Representative Dougherty raised a point of order that House Amendment No. 5 goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Green offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 23, Section 452.340, Lines 1 to 94, by deleting all of said section and inserting in lieu thereof the following:

"452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

(1) The financial needs and resources of the child;

(2) The financial resources and needs of the parents;

(3) The standard of living the child would have enjoyed had the marriage not been dissolved;

(4) The physical and emotional condition of the child, and his educational needs**; and**

**(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the physical and legal or physical or legal custody arrangements**.

2. The obligation of the [noncustodial] parent **ordered** to make support payments shall abate, in whole or in part[,]**:**

**(1)** For such periods of time in excess of thirty consecutive days that the [custodial] **other** parent has voluntarily relinquished physical custody of a child to the [noncustodial] parent **ordered to pay child support**, notwithstanding any periods of visitation or temporary **physical and legal or physical or legal** custody pursuant to a [decree] **judgment** of dissolution or legal separation or any modification thereof[.]**;**

**(2) For such periods of time twenty-eight consecutive days or longer, pursuant to a decree of dissolution or legal separation or any modification thereof, during which the parent ordered to pay child support is the primary caretaker of any child subject to such decree, notwithstanding any periods of visitation by the other parent during such periods, unless the court has already considered or provided for the visitation in establishing**

**or determining the child support obligations.**

In [an] **a** IV-D case, the division of child support enforcement may determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, he is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue**, if the child continues to attend and satisfactorily progresses toward completion of said program,** until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school **or completion of a graduation equivalence degree** and so long as the child [continues to attend] **enrolls for and completes at least twelve hours of classes each term at an** [such] institution of vocational or higher education **and achieves grades sufficient to re-enroll at such institution**, the parental support obligation shall continue until the child completes his education, or until the child reaches the age of twenty-two, whichever first occurs. **To remain eligible for such continued parental support, the child shall submit to each parent a transcript provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course.** If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly.

6. **At the parent's option, a parent may pay one-half of the college room, board, tuition, mandatory fees and book expenses of the child in lieu of child support during the months when a child attends school, if such child is enrolled as a full-time student and living away form the family residence for a majority of the school year, unless provisions for payment of college expenses are specified in the parenting plan or court order.**

**7. The general assembly finds and declares that it is the public policy of this state to assure children frequent, continuing and meaningful contact with both parents except for cases where the court specifically finds to the contrary. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner.** A court **with jurisdiction** may abate, in whole or in part, any future obligation of support [or] **and** may transfer the **physical and legal or physical or legal** custody of one or more children if it finds[:

(1)] That a [custodial] parent has, without good cause, failed to provide visitation or [temporary] **physical and legal or physical or legal** custody to the [noncustodial] **other** parent pursuant to the terms of a [decree] **judgment** of dissolution, legal separation or modifications thereof[; and

(2) That the noncustodial parent is current in payment of all support obligations pursuant to the terms of a decree of dissolution, legal separation or modifications thereof]. The court may also award reasonable [attorney] **expenses, attorney's** fees [to] **and court costs incurred by** the prevailing party.

[7.] **8.** Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support [should] **shall** be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. **Not later than July 1, 1998, the child support guidelines shall be adjusted by the supreme court and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines including but not limited to how much visitation or temporary physical custody the parent ordered to pay child support is assumed to have.** Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every [four] **three** years to ensure that its application results in the determination of appropriate child support award amounts.

[8.] **9.** Beginning October 13, 1989, there shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection [7] **8** of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record **in a judicial or administrative proceeding** that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, **is required if requested by a party and** shall be sufficient to rebut the presumption in the case. **The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.**

[9.] **10.** Under this or any other chapter, when a court determines the amount owed by a parent for support provided to his child by another person prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection [7] **8** of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection [7] **8** of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount."; and

Further amend said bill, Page 33, Section 452.370, Lines 1 to 50, by deleting all of said section and inserting in lieu thereof the following:

"452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any decree respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance award, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she [cohabits] **resides**, and the earning capacity of a party who is not employed. If the application of the **child support** guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules** to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable**, if the existing amount was based upon the presumed amount under child support guidelines**.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, then the child support shall be determined in conformity with criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**.

3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child

are terminated by emancipation of the child. The custodial parent shall have the duty to notify the noncustodial parent of the child's emancipation and failing to do so the custodial parent shall be liable to the noncustodial parent for child support paid**, plus interest,** to the custodial parent following emancipation of a minor child.

5. [In any case wherein] **If** a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits [under] **pursuant to** the aid to families with dependent children program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the motion. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.

6. The circuit court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the circuit clerk of the court in which the support or maintenance order was entered of any change of mailing address. If a personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the date of personal service. For the purpose of 42 U.S.C. 666(a)(9)(C), the circuit clerk shall be considered the "appropriate agent" to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

**8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in section 454.400, RSMo, the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be awarded in accordance with such guidelines or regulations.**"; and

Further amend said bill, Page 55, Section 454.496, Lines 1 to 66, by deleting all of said section and inserting in lieu thereof the following:

"454.496. 1. At any time after the entry of a court order for child support in a case in which support rights have been assigned to the state [of Missouri] pursuant to section 208.040, RSMo, or a case in which support enforcement services are being provided [under] **pursuant to** section 454.425, the obligated parent, the obligee or the division of child support enforcement may file a motion to modify the existing child support order [under] **pursuant to** this section, [provided that] **if** a review has first been completed by the director of child support enforcement pursuant to subdivision (13) of subsection 2 of section 454.400. The motion shall be in writing in a form prescribed by the director, shall set out the reasons for modification and shall state the telephone number and address of the moving party. The motion shall be served in the same manner provided for in subsection 5 of section 454.465 upon the obligated parent, the obligee and the division, as appropriate. In addition, if the support rights are held by the division of family services on behalf of the state, the moving party shall mail a true copy of the motion by certified mail to the person having custody of the dependent child at the last known address of that person. The party against whom the motion is made shall have thirty days either to resolve the matter by stipulated agreement or to serve the moving party and the director, as appropriate, by regular mail with a written response setting forth any objections to the motion and a request for hearing. When requested, the hearing shall be conducted pursuant to section 454.475 by hearing officers designated by the department of social services. In such proceedings, the hearing officers shall have the authority granted to the director pursuant to subsection 6 of section 454.465.

2. When no objections and request for hearing have been served within thirty days, the director, upon proof of service, shall enter an order granting the relief sought. **Copies of the order shall be mailed to the parties within fourteen days of issuance.**

3. A motion to modify made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order unless so ordered by the court in which the order is docketed.

4. The only support payments which may be modified are payments accruing subsequent to the service of the motion upon all parties to the motion.

5. The party requesting modification shall have the burden of proving that a modification is appropriate [under] **pursuant to** the provisions of section 452.370, RSMo.

6. Notwithstanding the provisions of section 454.490 **to the contrary**, an administrative order modifying a court order is not effective until the administrative order is filed with and approved by the court that entered the court order. The court may approve the administrative order if no party affected by the decision has filed a petition for judicial review pursuant to sections 536.100 to 536.140, RSMo. **After the thirty-day time period for filing a petition of judicial review pursuant to chapter 536, RSMo, has passed, the court shall render its decision within fifteen days. If a petition for judicial review is filed, the court shall review all pleadings and the administrative record, as defined in section 536.130, RSMo, pursuant to section 536.140, RSMo. After such review,** the court shall determine if the administrative order complies with [the provisions of] **section 452.340 and applicable** supreme court [rule 88.01] **rules**. If it so determines, the court shall make a written finding on the record that the order complies with [the provisions of] **section 452.340 and applicable** supreme court [rule 88.01] **rules** and approve the order[. If upon review the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo. If no action is taken by the court within forty-five days of the filing of the administrative order with the court, and no petition for judicial review has been filed pursuant to sections 536.100 to 536.140, RSMo, the court shall be deemed to have made a written finding that the administrative order complies with the provisions of supreme court rule 88.01 and to have approved the administrative order.] **or, if after review pursuant to section 536.140, RSMo, the court finds that the administrative order does not comply with supreme court rule 88.01, the court may select any of the remedies set forth in subsection 5 of section 536.140, RSMo. The court shall notify the parties and the division of any setting pursuant to this section.**

7. Notwithstanding the venue provisions of chapter 536, RSMo, **to the contrary,** for the filing of petitions for judicial review of final agency decisions and contested cases, the venue for the filing of a petition for judicial review contesting an administrative order entered [under] **pursuant to** this section modifying a judicial order shall be in the court which entered the judicial order. In such cases in which a petition for judicial review has been filed, the court shall consider the matters raised in the petition and determine if the administrative order complies with **section 452.340 and applicable** supreme court [rule 88.01] **rules**. If the court finds that the administrative order should not be approved, the court shall set the matter for trial de novo. **The court shall notify the parties and the division of the setting of such proceeding.** If the court determines that the matters raised in the petition are without merit and that the administrative order complies with the provisions of **section 452.340 and applicable** supreme court [rule 88.01] **rules**, the court shall approve the order.

**8. Any administrative order or decision of the division of child support enforcement filed in the office of the circuit clerk of the court shall not be required to be signed by an attorney, as provided by supreme court rule of civil procedure 55.03(a), or required to have any further pleading other than the administrative order.**".

Representative Stokan raised a point of order that House Amendment No. 5 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Bennett offered House Amendment No. 1 to House Amendment No. 5.

*House Amendment No. 1*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 5, Section 352.340, Line 19, by inserting immediately after the word "**order**" the following:

"; **except that, if such payment of college expenses is less than the court ordered child support, the parent shall pay the difference between such college expenses and the court ordered payment as provided in the court order**."

On motion of Representative Bennett, House Amendment No. 1 to House Amendment No. 5 was adopted.

Representative Parker offered House Amendment No. 2 to House Amendment No. 5.

*House Amendment No. 2*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 4, Line 13, by deleting the word "classes" and inserting in lieu thereof the word "credit"

On motion of Representative Parker, House Amendment No. 2 to House Amendment No. 5 was adopted.

Representative Green offered House Amendment No. 3 to House Amendment No. 5.

*House Amendment No. 3*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 3, Section 352.340, Line 1, by adding immediately after the word "**considered**" the words "**specific findings**"; and

Further amend said amendment, Page 4, Line 6, by striking the words "**and satisfactorily**."

On motion of Representative Green, House Amendment No. 3 to House Amendment No. 5 was adopted.

Representative DeMarce offered House Amendment No. 4 to House Amendment No. 5.

*House Amendment No. 4*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 9, Section 452.370.1, Line 23, by deleting the brackets around the word "cohabits" and by deleting the word "**resides**"; and

Further amend said bill, Page 17, Section 454.496.8, Lines 5-10, by deleting all of said lines.

On motion of Representative DeMarce, House Amendment No. 4 to House Amendment No. 5 was adopted by the following vote:

AYES: 087

Auer Barry 100 Bland Bonner Boucher

Bray 84 Burton Campbell Carter Clayton

Crump Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Edwards-Pavia Farmer Farnen

Fitzwater Foley Franklin Fritts Graham 24

Green Griesheimer Gunn Hagan-Harrell Heckemeyer

Hickey Hollingsworth Hoppe Hosmer Kelley 47

Kelly 27 Kennedy Kreider Lakin Lawson

Leake Legan Liese Long Luetkenhaus

Lumpe May 108 Mays 50 McBride McLuckie

Merideth Miller Monaco Murphy Murray

O'Connor O'Toole Overschmidt Parker Patek

Purgason Ransdall Relford Richardson Rizzo

Scheve Schilling Seigfreid Shear Sheldon 104

Shelton 57 Smith Stokan Stoll Stroker

Summers Tate Thomason 163 Treadway Van Zandt

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 059

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bauer Bennett 15 Berkstresser Boatright Broach

Champion Chrismer Cierpiot Cooper Crawford

Dolan Elliott Enz Evans Foster

Froelker Gaskill Gaston Gibbons Goward

Graham 106 Gross Hall Hartzler 123 Hartzler 124

Hegeman Hendrickson Hohulin Holand Howerton

Johnson Kauffman Kissell Levin Linton

Loudon Marble McClelland Naeger Nordwald

Ostmann Pouche Pryor Reinhart Ridgeway

Robirds Ross Sallee Schwab Secrest

Shields Steen Surface Troupe

PRESENT: 000

ABSENT WITH LEAVE: 017

Backer Copeland Daniel 42 Daniels 41 Ford

Gratz Hand Harlan Kasten Koller

Lograsso Reynolds Scott Skaggs Thompson 37

Townley Vogel

Representative Stokan offered House Amendment No. 5 to House Amendment No. 5.

*House Amendment No. 5*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361,

Page 7, Section 8, Line 14, after the word "guidelines" by adding "." and deleting the rest of the sentence

On motion of Representative Stokan, House Amendment No. 5 to House Amendment No. 5 was adopted.

Representative Hartzler (124) offered House Amendment No. 6 to House Amendment No. 5.

*House Amendment No. 6*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 2, Section 452.340, Line 5, by deleting lines 5-7, and inserting the following:

"(6) The reasonable work-related child care expenses of each parent."; and

Further amend the bill by deleting Lines 18-23; and

Further delete Lines 1 and 2 on Page 3.; and

Further amend Page 2, Line 9, by removing the brackets and deleting the colon; and

Further amend Line 10, Page 2, by deleting the "(1)" and the word "For" and replacing it with the word "for"; and

Further amend Line 3, by deleting the word "his" and replacing it with the words "the child's".

On motion of Representative Hartzler (124), House Amendment No. 6 to House Amendment No. 5 was adopted.

Representative Dougherty offered House Amendment No. 7 to House Amendment No. 5.

*House Amendment No. 7*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 7, Section 452.340.8, Line 5, by deleting "adjusted" and inserting "published" and on Page 11, Section 452.370.4, Line 3, by deleting ", plus interest,"

Representative Green requested a division of the question.

*House Amendment No. 7*

*to*

*House Amendment No. 5*

PART I

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 7, Section 452.340.8, Line 5, by deleting "adjusted" and inserting "published"

PART II

and on Page 11, 452.370.4, Line 3, by deleting ", plus interest,"

On motion of Representative Dougherty, **PART I** of House Amendment No. 7 to House Amendment No. 5 was adopted.

Representative Dougherty moved that **PART II** of House Amendment No. 7 to House Amendment No. 5 be adopted.

Which motion was defeated.

Representative Monaco offered House Amendment No. 8 to House Amendment No. 5.

*House Amendment No. 8*

*to*

*House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 5, Section 352.340, Line 15, by deleting the words "**in lieu**" and inserting in lieu thereof the words "**as a credit reduction in the amount**"; and

Further amend said bill and section, Page 5, Line 21, by deleting the word "**children**" and inserting in lieu thereof the words "**that the best interest of the child is**"; and

Further amend said bill and section, Page 5, Line 23, by deleting the words "**to the contrary**" and inserting in lieu thereof the words "**that such contact is not in the best interest of the child**; and

Further amend said bill, Section 454.496.8, Page 17, by deleting all of said subsection.

On motion of Representative Monaco, House Amendment No. 8 to House Amendment No. 5 was adopted.

On motion of Representative Green, House Amendment No. 5, as amended, was adopted by the following vote:

AYES: 105

Alter Auer Ballard Barry 100 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bonner Boucher

Broach Champion Chrismer Cierpiot Copeland

Crawford Crump Davis 63 Davis 122 DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farnen Foley Foster

Franklin Fritts Gaskill Goward Graham 24

Graham 106 Green Griesheimer Gross Gunn

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Howerton Johnson Kasten

Kauffman Kissell Koller Kreider Leake

Levin Liese Linton Long Loudon

Luetkenhaus Marble Mays 50 McBride Merideth

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Overschmidt Parker Patek

Pouche Pryor Purgason Rizzo Robirds

Sallee Scheve Schwab Secrest Shelton 57

Shields Steen Stoll Stroker Summers

Surface Thomason 163 Townley Treadway Troupe

Wannenmacher Wiggins Williams 121 Williams 159 Wooten

NOES: 039

Akin Barnett 4 Bauer Bray 84 Campbell

Carter Clayton Cooper Fitzwater Froelker

Gaston Gibbons Hosmer Kelly 27 Kennedy

Lawson Legan Lograsso May 108 McClelland

McLuckie Miller Ostmann Ransdall Reinhart

Relford Richardson Ridgeway Ross Schilling

Scott Seigfreid Shear Smith Stokan

Tate Van Zandt Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 019

Backer Bland Burton Daniel 42 Daniels 41

Days Farmer Ford Gratz Hand

Harlan Kelley 47 Lakin Lumpe Reynolds

Sheldon 104 Skaggs Thompson 37 Vogel

Representative Evans offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 361, Page 4, Section 193.087, Line 30, by inserting after all of said line the following:

"**5. Any affiant who intentionally misidentifies another person as a parent may be prosecuted for perjury, pursuant to section 575.040.**

**6. Due to lack of cooperation by public assistance recipients, the division shall either suspend the entire public assistance cash grant, or remove the needs of the adult recipient of public assistance from the cash grant,**

**subject to good cause exceptions pursuant to federal law or regulations.**".

Representative Dougherty raised a point of order that House Amendment No. 6 goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Evans, House Amendment No. 6 was adopted.

On motion of Representative Dougherty, **HCS SS SB 361, as amended**, was adopted.

On motion of Representative Dougherty, **HCS SS SB 361, as amended,** was read the third time and passed by the following vote:

AYES: 112

Auer Ballard Barnett 4 Barry 100 Bartelsmeyer

Bauer Bennett 15 Bland Bonner Boucher

Broach Burton Carter Champion Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

DeMarce Dolan Donovan Dougherty Elliott

Enz Farmer Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaston

Goward Graham 106 Green Griesheimer Gross

Gunn Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Howerton Johnson Kasten

Kauffman Kennedy Kissell Koller Kreider

Lawson Leake Legan Levin Liese

Long Luetkenhaus Lumpe Marble Mays 50

McBride Merideth Monaco Murphy Murray

Naeger Nordwald O'Connor O'Toole Overschmidt

Parker Patek Pouche Purgason Ransdall

Reinhart Relford Rizzo Robirds Ross

Sallee Scheve Schwab Secrest Seigfreid

Shelton 57 Shields Steen Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 035

Akin Alter Berkstresser Boatright Bray 84

Campbell Chrismer Cierpiot Clayton Cooper

Days Edwards-Pavia Evans Gibbons Hall
Kelley 47 Kelly 27 Linton Lograsso Loudon
May 108 McClelland McLuckie Miller Ostmann
Pryor Richardson Ridgeway Schilling Scott
Shear Sheldon 104 Smith Stokan Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 016

Backer Daniels 41 Ford Gaskill Graham 24
Gratz Hand Harlan Hosmer Lakin
Reynolds Skaggs Thompson 37 Treadway Troupe
Vogel

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 116

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Burton
Champion Copeland Crawford Crump Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Elliott Evans Farmer Farnen
Fitzwater Foley Franklin Fritts Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Green Griesheimer Gunn Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Johnson
Kasten Kauffman Kelley 47 Kelly 27 Kennedy
Kissell Koller Kreider Lawson Leake
Legan Levin Liese Long Luetkenhaus
Lumpe Marble Mays 50 McBride Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Overschmidt Parker
Patek Purgason Ransdall Reinhart Relford
Rizzo Robirds Ross Sallee Scheve
Schwab Secrest Seigfreid Shear Shelton 57
Shields Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 036

Akin Bray 84 Broach Campbell Carter

Chrismer Cierpiot Clayton Cooper Edwards-Pavia

Enz Foster Froelker Gross Hohulin

Hoppe Hosmer Howerton Linton Lograsso

Loudon May 108 McClelland McLuckie Ostmann

Pouche Pryor Richardson Ridgeway Schilling

Sheldon 104 Smith Steen Stokan Troupe

Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 011

Daniel 42 Daniels 41 Ford Gratz Hand

Lakin Reynolds Scott Skaggs Thompson 37

Vogel

On motion of Representative Johnson, title to the bill was agreed to.

Representative Bland moved that the vote by which the bill passed be reconsidered.

Representative Boucher moved that motion lay on the table.

The latter motion prevailed.

**SS SCS SB 274, with House Committee Amendment No. 1**, relating to off-track pari-mutuel wagering, was taken up by Representative Crump.

On motion of Representative Crump, House Committee Amendment No. 1 was adopted by the following vote:

AYES: 082

Auer Backer Barry 100 Bauer Bland

Bonner Campbell Carter Clayton Cooper

Copeland Crump Daniels 41 Davis 63 Davis 122

Days Dolan Donovan Dougherty Farmer

Farnen Fitzwater Foley Ford Franklin

Gibbons Goward Graham 24 Green Griesheimer

Gunn Hagan-Harrell Harlan Hartzler 123 Heckemeyer

Hickey Hollingsworth Hoppe Johnson Kelly 27

Kennedy Kissell Koller Kreider Lawson

Leake Liese Luetkenhaus Lumpe May 108

Mays 50 McBride Merideth Monaco Murray

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Ransdall Relford Rizzo Robirds

Scheve Schwab Shear Sheldon 104 Shelton 57

Stoll Stroker Thompson 37 Townley Troupe

Van Zandt Wannenmacher Wiggins Williams 159 Wilson

Wooten Mr. Speaker

NOES: 074

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Boucher Bray 84

Broach Burton Champion Chrismer Cierpiot

Crawford Daniel 42 DeMarce Edwards-Pavia Elliott

Enz Evans Foster Fritts Froelker

Gaskill Gaston Graham 106 Gross Hall

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Hosmer Howerton Kasten Kauffman Kelley 47

Lakin Legan Levin Linton Lograsso

Long Loudon Marble McClelland McLuckie

Miller Murphy Patek Pouche Pryor

Purgason Reinhart Richardson Ridgeway Ross

Sallee Schilling Scott Secrest Seigfreid

Shields Smith Steen Stokan Summers

Surface Tate Treadway Williams 121

PRESENT: 000

ABSENT WITH LEAVE: 007

Gratz Hand Naeger Reynolds Skaggs

Thomason 163 Vogel

**SS SCS SB 274, as amended,** was laid over.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 411**, entitled:

An act to repeal sections 193.085, 193.087, 193.145, 193.215, 210.822, 210.832, 210.834, 210.839, 210.841, 210.842, 285.300, 285.302, 285.304, 288.250, 301.020, 301.190, 379.116, 451.040, 452.305, 452.315, 452.345, 452.350, 452.370, 454.410, 454.415, 454.425, 454.440, 454.500, 454.455, 454.460, 454, 465, 454.470, 454.475, 454.476, 454.485, 454.490, 454.495, 454.496, 454.505, 454.512, 454.513, 454.514, 454.515, 454.516, 454.517, 454.518, 454.519, 454.603, 454.808, 486.225 and 620.145, RSMo 1994, and sections 210.842, 452.340, 452.345, 454.400, 454.850, 454.855, 454.860, 454.862, 454.867, 454.869, 454.871, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.927, 454.930, 454.932, 454.935, 454.937, 454.940, 454.942, 454.945, 454.947, 454.950, 454.952, 454.955, 454.957, 454.960, 454.962, 454.965, 454.967, 454.970, 454.972, 454.975, 454.977, 454.979, and 454.980, RSMo Supp. 1996, and to enact in lieu thereof one hundred thirty-eight new sections for the purpose of complying with federal mandates for child support enforcement, with penalty provisions, an effective date for certain sections and an emergency clause.

With Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1, Senate Amendment No. 4 to Senate Amendment No. 1, Senate Amendment No. 5 to Senate Amendment No. 1, Senate Amendment No. 8 to Senate Amendment No. 1, Senate Amendment No. 1 as amended, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7

*Senate Amendment No. 1*

*to*

*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 70-75, Section 536.028, by striking all of said section; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

*to*

*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 129-132, Section 26, by striking all of said section; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

*to*

*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 for House Committee Substitute for House Bill No. 411, Page 126, Section 23, Line 19, by deleting all of said section and insert in lieu thereof the following:

"**Section 23. 1. Except as otherwise provided in this section, an adult receiving benefits through the work first program may fill a vacant employment position in order to engage in work activities. An adult receiving benefits through the work first program, who fills a vacant employment position in order to engage in work activities must be guaranteed a wage equivalent to that of the state minimum wage.**

**2. A supplemental wage assistance employment position made available pursuant to this section may not be created as the result of the following:**

**(1) When any other individual is on layoff from the same or any substantially equivalent job; or**

**(2) If the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult described in**

**paragraph 1.**

**3. The Missouri State Department of Labor and Industrial Relations shall establish and maintain a grievance procedure in order to resolve only alleged violations of this section. All rulemaking authority granted pursuant to this section is subject to any rulemaking authority contained in chapter 536, RSMo.**"

*Senate Amendment No. 5*

*to*

*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 68, Section 210.256, Lines 9 & 10, by deleting the brackets on said lines; and

Further amend said amendment, same section and page, Lines 10-13, by deleting all of the underlined language.

*Senate Amendment No. 8*

*to*

*Senate Amendment No. 1*

AMEND Senate Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, pages 54-62, Sections 208.700-208.737, by striking all of said sections; and inserting in lieu thereof the following:

"**208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created as a pilot program in the State of Missouri.**

**208.701. This program shall be organized by the department of social services in two Missouri counties. Any county desiring to be eligible to participate shall be required to provide the department of social services with no less than five written statements from organizations within the county declaring their intent to act as partners in the community partnership program. The department shall establish selection criteria for participation in this program. The program shall be implemented within the first six months from the effective date of this act. There shall be a publicized competitive bid process for selecting the participating organizations. As a result of such contracts, there shall be no displacement of current state workers who distribute public assistance.**

**208.703. As used in sections 208.700 to 208.737, the following terms shall mean:**

**(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:**

**(a) Governmental body; or**

**(b) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), of Title 26, United States Code, as amended;**

**(2) "Director", the director of the division of family services;**

**(3) "Division", the division of family services;**

**(4) "Program", the community partnership program established pursuant to this act;**

**(5) "Public assistance", the cash payment to a qualified individual ;**

**(6) "Qualified individuals", any individual who receives any cash assistance administered by the division of family services;**

**208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.**

**208.710. 1. The division shall:**

**(1) Determine and publicly disclose the aggregate amount of cash assistance to be dispersed for work first benefits, and the total costs for administering said assistance as a percentage of said aggregate amount;**

**(2) Calculate the cash assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the cash assistance distributed to those individuals who elect not to participate;**

**(3) Not reduce the monthly cash assistance of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;**

**(4) Not set a cash assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the cash assistance amount of those who do not participate in the program;**

**(5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;**

**(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;**

**(7) Establish a method for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.**

**2. Payments to implement sections 208.700 to 208.737 shall be made from the community partnership program fund created in section 208.730.**

**208.712. Any community partnership organization may contract with the division to distribute cash assistance to qualified individuals who elect to participate in a community partnership program.**

**208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:**

**(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services not to exceed ten percent of the individuals cash assistance; however, the community partnership organization shall not charge a fee in excess of the cash value of the benefits and services provided to the individual.**

**(2) Supplement the cash assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:**

**(a) Child day care in a child day care center;**

**(b) Job training;**

**(c) Transportation;**

**(d) Food or household necessities;**

**(e) Remedial education;**

**(f) Domestic skills training;**

**(g) Parenting instruction;**

**(h) Health benefits.**

**208.717. As a condition of the receipt of cash assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:**

**(1) Perform any illegal act; or**

**(2) Participate in any religious instruction, activity or worship service.**

**208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their cash assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive cash assistance as otherwise provided for by law.**

**208.722. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.**

**208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:**

**(1) Meet the definition established in section 208.702, for community partnership organizations;**

**(2) Be in existence for a period of at least five years before they are eligible for the program;**

**(3) Demonstrate to the division, through a written report, the services that are to be provided;**

**(4) Allow audits of cash assistance distributed to recipients pursuant to sections 208.707 and 208.710;**

**(5) Agree that the community partnership organization will not discriminate on the basis of race, sex, age, disability, religion, or national origin; and**

**(6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.**

**208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.730. Moneys shall be appropriated to the fund to provide cash assistance to qualified individuals that are at least equal to the cash assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or cash assistance from any other source or sources, and make investments of the unexpended balances thereof.**" and

Further amend the title and enacting clause accordingly.

AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, Page 3, Section A, Line 4 of said page, by inserting immediately after all of said line the following:

"**30.255. Beginning July 1, 1998, the state treasurer shall, when making a new deposit of state funds, continuing an existing demand deposit of state funds, or renewing an existing time deposit of state funds beyond the expiration date of the deposit in any financial institution, review and consider the depository institutions' lending record, giving consideration to, among other factors, whether:**

**(1) The institution has been given by the appropriate federal regulatory agency a written evaluation of the institution's record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, pursuant to the federal Community Reinvestment Act of 1977, as amended, 12 U.S.C. 2905; and**

**(2) The most recent evaluation of the institution includes a rating of "needs to improve record of meeting community credit needs" or "substantial noncompliance of meeting community credit needs", or categories substantially comparable if said federal law is amended.**

135.240. The provisions of subdivision (3) of section 135.225 and section 135.230 shall apply to employees determined to:

(1) Be difficult to employ. For the purpose of this section, "a person difficult to employ" shall mean a person who was unemployed for at least three months immediately prior to being employed at the new business facility in the enterprise zone; or

(2) Be eligible for **public assistance in accordance with eligibility standards for** aid to families with dependent children **in effect on July 16, 1996 or be eligible for funds from the temporary assistance for needy families block grant program** or general relief programs.

167.260. 1. Any local school district offering to all pupils who are eligible by age pursuant to section 163.017, RSMo a full day of kindergarten within the school calendar as prepared pursuant to section 171.031, RSMo, shall be eligible for state aid for a program for developmentally delayed **and free reduced price lunch eligible** children ages three and four as defined in section 178.691, RSMo, and for children from at-risk families as defined in section 167.273. State aid shall be provided for no more than a half-day program within the district's school calendar. At a minimum such eligible child shall reach the age of three before the first day of [October] **August** prior to the start of the school year. Such program shall emphasize social skills, physical development and preparation for kindergarten.

2. **Any school district offering instruction to children ages three and four shall receive subject to appropriations additional state aid based on the count of children ages three and four enrolled in the district's program and eligible for free and reduced price lunch divided by two multiplied by the guaranteed tax base as defined in subsection (7) of section 163.011, RSMo, multiplied by the operation levy for school purposes as defined in subsection (9) of section 163.011, RSMo.**

[2.] **3.** The state board of education shall approve such programs and distribute state aid."; and

Further amend said bill, Page 12, Section 193.215, Line 25 of said page, by inserting immediately after all of said line the following:

"205.770. 1. In any county of the second class in this state there may be created and established by order of the county commission of any such county a board which shall be styled "The Social Welfare Board of the County of .....".

2. [All powers and duties connected with and incident to the betterment of social and physical causes of dependency, the relief and care of the indigent, and the care of sick dependents, with the exception of the mentally ill and those suffering with contagious, infectious and transmissible diseases shall be exclusively invested in and exercised

by the board.

3.] The board shall have power to receive and expend donations for social welfare **and medical** purposes and

shall have [exclusive] control over the distribution and expenditure of any public funds set aside and appropriated by such counties and by any city located in any such county for the relief of the temporarily dependent. The board shall have power to promote the general welfare of the poor within the limits of such counties by [social and sanitary reforms, by industrial instruction, by the inculcation of habits of providence and self-dependence, and by the establishment and maintenance of any activities to these ends] **providing medical care and emergency assistance**. The board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take, by gift, grant, devise, bequest or otherwise, any money, real estate, personal property, right of property, or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure.

[4.] **3.** The board may make bylaws for its own guidance, rules and regulations for the government of its agents, servants and employees, and for the distribution of the funds under its control.

[5.] **4.** If any second class county which has established a social welfare board pursuant to the provisions of this section, subsequently becomes a first class or a third class county, such county may retain its social welfare board and continue to function pursuant to the provisions of sections 205.770 to 205.840.

205.780. [Said] **This** board shall have the [exclusive] power to make [all suitable provisions for the relief, maintenance and support of all indigent persons within said county and within any city in said county who may appropriate for the support of said board, and to make suitable provisions for the care and maintenance to the sick dependents and those who are unable to support themselves; to enforce the laws of the state, the ordinances of such cities located within said county, in regard to the indigent, and to make] such rules and regulations in the conduct of its business not inconsistent with the laws of the state of Missouri and the ordinances of such cities[; to have exclusive control, care and management of all public hospitals owned or operated by said counties or said cities, except those for the care of the insane and those suffering with contagious, infectious and transmissible diseases; to recommend to the common council of said city the passage of such ordinances as said board may deem necessary for the welfare of the indigent of said city; to]**. This board will** have the power to appoint competent physicians and surgeons, who shall hold their office at the pleasure of said board, at a salary to be fixed by said board, and said physicians and surgeons shall perform such duties as may be prescribed by said board, and shall render medical attendance to all those who may come within the provisions of this law; [said] **this** board shall have the power and it shall be the duty of [said] **this** board to employ and discharge all persons or officers in their judgment necessary to carry out the matters over which [said] **this** board is given jurisdiction or control.

205.790. 1. [Said] **This** board shall be nonpartisan and nonsectarian in character, and the members and officers thereof shall receive no compensation as such.

2. [Said] **This** board shall consist of the mayor of such cities and the presiding commissioner of the county commission of such counties, who shall be ex officio members thereof, and six other members, three of whom shall be appointed by the county commission of such counties, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by such county commission, three by the mayor and common council of such cities, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by the mayor.

3. Whenever the term of office of any member so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment.

4. Vacancies from any causes shall be filled in like manner as original appointment. The mayor may, for misconduct or neglect of duty, remove any member appointed by him in the manner required for removal of officers of such cities. The county commission may, by a majority vote, for misconduct or neglect of duty, remove any member appointed by them.

205.820. It shall be the duty of said board to keep a record of its proceedings and of its receipts, expenditures and operations, and shall annually render a full and complete itemized report, stating the condition of their trust, together with such other suggestions as they may deem of general interest to the mayor and [common] **city** council of said cities and the county commission of said counties; provided, said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the [common] **city** council of said cities or the county commission of said counties.

205.830. 1. It shall be the duty of said board, when any person by himself, herself, or another apply for relief to make immediate inquiry [into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief, the said board shall furnish, out of the funds in their hands, such relief as the circumstances of the case may require; provided, that in all cases where the

applicant for aid may be found dependent and said applicant or member of said applicant's family is an able-bodied male person capable of performing manual labor, said board shall require such person to perform work to the value of the aid given, and the city engineer and the street commissioners of such cities in their respective departments are required to utilize the services of such able-bodied persons upon receiving notice from said board that such person has received or is entitled to such aid. Where the applicant or a member of the applicant's family is an able-bodied female, said board shall, whenever practicable, require that labor to the value of the aid given be performed. They shall make investigations of cases of dependence for individuals or other charitable organizations and furnish such reports upon the same as in their judgment seems advisable.

2. Their office shall be a center of intercommunication between the various charitable agencies in the city. They shall foster harmonious cooperation between them and endeavor to eradicate the evils of overlapping relief, and for this purpose shall maintain a confidential registration bureau.

3. When it is impossible to repress mendicancy by the above means they shall prosecute imposters. They shall carefully work out such plans for helping families to self-dependence as may seem most practicable. They shall make concentrated attack on social causes of hardship, such as unsanitary housing, child labor, extortionate charges by pawnshops, salary loan and chattel mortgage agreements] **to determine if such person is eligible for such relief**.

207.010. The [division of family services is an integral part of the] department of social services [and] shall have and exercise all the powers and duties necessary to carry out fully and effectively the purposes assigned to it by law and shall be the state agency to:

(1) Administer state plans and laws involving [aid to dependent children] **the Missouri families work program and any program established subsequent to the passage of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended**;

(2) Aid or relief in case of public calamity;

(3) Aid for direct relief;

(4) Child welfare services;

(5) Social services to families and adults;

(6) Pensions and services for the blind; and

(7) Any other duties relating to public assistance and social services which may be imposed upon the department of social services.

208.010. 1. In determining the eligibility of a claimant for public assistance [under this law] **pursuant to this chapter**, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including [his] **the claimant's** living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished under sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded. **In determining the eligibility of a claimant pursuant to this section, the division of family services shall make all appropriate inquiries with the division of employment security, department of revenue and other such agencies and divisions prior to the issuance of such public assistance benefits. Should benefits be awarded on a temporary or emergency basis, such eligibility for benefits shall be terminated within thirty days unless the determining division has reverified and substantiated a continued need.**

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom [he] **the claimant** is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions [under] **pursuant to** subdivisions (4) and (5) of this subsection, and subsection 4 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance [under] **pursuant to** this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his **or her** behalf [under] **pursuant to** the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of **this** subsection [2 of this section] shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom [he] **the claimant** is living has received, benefits to which [he] **the claimant** was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible [under] **pursuant to** this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he **or she** or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of an [aid to families with dependent children claimant] **individuals receiving benefits through the work first program**, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which [he] **the claimant** is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of [aid to families with dependent children] **individuals receiving benefits through the work first program**, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he **or she** is a record or beneficial owner, the value of such property, **less encumbrances of record and excluding the home occupied by the claimant,** as determined by the division of family services [and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set

forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state] **exceeds the maximum amount established through regulation by the department of social services, division of family services. This maximum shall not be less than one thousand dollars. Each individual participating in the work first program shall be allowed to exclude one automobile from this determination**;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted [under] **pursuant to** federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining the total property owned [under] **pursuant to** subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom [he] **the claimant** is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; [except that, in the case of aid to families with dependent children, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member] **and provided further that in the case of individuals receiving work first program benefits the provision of this subsection shall not apply**.

5. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 USC section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 USC sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 USC section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of

the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

6. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 USC section 1396p.

7. The hearings required by 42 USC section 1396r-5 shall be conducted [under] **pursuant to** the provisions of section 208.080.

8. Beginning October 1, 1989, when determining eligibility for assistance [under] **pursuant to** this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his **or her** spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

9. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due [under] **pursuant to** the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

10. A "community spouse" is defined as being the noninstitutionalized spouse.

208.015. 1. The division of family services shall grant general relief benefits to those persons determined to be eligible [under] **pursuant to** this chapter and the applicable rules of the division. The director may adopt such additional requirements for eligibility for general relief, not inconsistent with this chapter, which [he] **the director** deems appropriate.

2. General relief shall not be granted to any person:

(1) Who has been approved for federal supplemental security income and was not on the general relief rolls in December, 1973; or

(2) Who is a recipient of:

(a) [Aid to families with dependent children] Benefits **funded through the work first program**;

(b) Aid to the blind benefits;

(c) Blind pension benefits; or

(d) Supplemental aid to the blind benefits.

3. A person shall not be considered unemployable, [under] **pursuant to** this section, if unemployability is due to school attendance.

4. Persons receiving general relief in December, 1973, and who qualify for supplemental security income shall continue to receive a general relief grant if necessary to prevent a reduction in the total cash income received by such person in December, 1973, which general relief grant shall not exceed the amount of general relief provided by law.

5. In providing benefits to persons applying for or receiving general relief, benefits shall not be provided to any member of a household if the claimant is employable as defined by rule of the division of family services; or if certain specified relatives living in the household of the claimant are employed and have income sufficient to support themselves and their legal dependents and to meet the needs of the claimant as defined by rule of the division. "Specified relatives" shall be defined as the spouse, mother, father, sister, brother, son, daughter, and grandparents of the claimant, as well as the spouses of these relatives, if living in the home.

6. General relief paid to an unemployable person shall not exceed one hundred dollars a month.

208.044. 1. The division of family services shall provide child day care services [to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485)] **in accordance with Title VI of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, known as the Child Care and Development Block Grant Amendments of 1996**.

2. The division of family services shall purchase the child day care services required by this section by making payments**, in accordance with the Child Care and Development Block Grant Amendments of 1996, and payments made** directly to any providers of day care services licensed pursuant to chapter 210, RSMo, or to providers of day care services who are not required by chapter 210, RSMo, to be licensed [because they are providing care to relative children or no more than four children] **or by reimbursement to parents for services rendered by such providers**.

[3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional day care, as defined in section 208.400, such person may receive day care services from the division of family services if otherwise eligible for such services. Until October 1, 1992, participants eligible for income eligible day care services, as defined by the division of family services, will continue to receive such services in the same proportion as that provided in fiscal year 1989, subject to appropriation.]"; and

Further amend said bill, Page 14, Section 208.055, Line 8 of said page, by inserting immediately after all of said line the following:

"208.060. Application for any benefits [under] **pursuant to** any law of this state administered by the division of family services acting as a state agency shall be filed in the county office. Application for [aid to dependent children] **benefits through the work first program** shall be made by the person with whom the child will live while receiving aid. All applications shall be in writing, or reduced to writing, upon blank forms furnished by the division of family services, and shall contain such information as may be required by the division of family services or by any federal authority [under] **pursuant to** the social security law and amendments thereto. The term "benefits" as used herein or in this law shall be construed to mean:

(1) [Aid to dependent children] **Benefits funded through the work first program**;

(2) Aid or public relief to individuals in cases of public calamity;

(3) Money or services available for child welfare services;

(4) Any other grant, aid, pension or assistance administered by the division of family services.

208.075. 1. When an application is made for [aid to dependent children] **families work program** or aid to the permanently and totally disabled benefits because of the physical or mental condition of a person the division of family services shall require the person to be examined by competent medical or other appropriate authority designated by the division of family services. If benefits are paid because of the physical or mental condition of a person the division of family services may, as often as it deems necessary, require such person to be reexamined by competent medical or other appropriate authority designated by the division of family services. Written reports of examinations and reexaminations shall be required and evaluated by the division of family services in determining eligibility to receive benefits or to continue to receive benefits.

2. In any appeal hearing as provided for by section 208.080 and the question at issue involves the physical or mental incapacity of a person, regardless of whether assistance has been denied or a recipient has been removed from the assistance rolls, the written reports of the examination or reexamination made by competent medical or other appropriate authority designated by the division of family services, and any written medical reports by other physicians or clinics submitted by claimant, are hereby declared to be competent evidence and admissible as such at the appeal hearing to be considered by the director with any other evidence submitted. Any written medical report purporting to be executed and signed by the medical or other appropriate authority, its agents, or employees shall be prima facie evidence of it being properly executed and signed without further proof of identification.

208.080. 1. Any applicant for or recipient of benefits or services provided by law by the division of family services may appeal to the director of the division of family services from a decision of a county office of the division of family services in any of the following cases:

(1) If [his] **the applicant's or recipient's** right to make application for any such benefits or services is denied; or

(2) If [his] **the applicant's or recipient's** application is disallowed in whole or in part, or is not acted upon within a reasonable time after it is filed; or

(3) If it is proposed to cancel or modify benefits or services; or

(4) If [he] **the applicant or recipient** is adversely affected by any determination of a county office of the division of family services in its administration of the programs administered by it; or

(5) If a determination is made pursuant to subsection 2 of section 208.180 that payment of benefits on behalf of a dependent child shall not be made to the relative with whom [he] **such child** lives.

2. If the division proposes to terminate or modify the payment of benefits or the providing of services to the recipient or the division has terminated or modified the payment of benefits or providing of services to the recipient and the recipient appeals, the decision of the director as to the eligibility of the recipient at the time such action was proposed or taken shall be based on the facts shown by the evidence presented at the hearing of the appeal to have existed at the time such action to terminate or modify was proposed or was taken.

3. In the case of a proposed action by the county office of the division of family services to reduce, modify, or discontinue benefits or services to a recipient, the recipient of such benefits or services shall have ten days from the date of the mailing of notice of the proposed action to reduce, modify, or discontinue benefits or services within which to request an appeal to the director of the division of family services. In the notice to the recipient of such proposed action, the county office of the division of family services shall notify the recipient of all [his] **the recipient's** rights of appeal [under] **pursuant to** this section. Proper blank forms for appeal to the director of the division of family services shall be furnished by the county office to any aggrieved recipient. Every such appeal to the director of the division of family services shall be transmitted by the county office to the director of the division of family services immediately upon the same being filed with the county office. If an appeal is requested, benefits or services shall continue undiminished or unchanged until such appeal is heard and a decision has been rendered thereon, except that in [an aid to families with dependent children] **a work first program** case the recipient may request that benefits or services not be continued undiminished or unchanged during the appeal.

4. When a case has been closed or modified and no appeal was requested prior to closing or modification, the recipient shall have ninety days from the date of closing or modification to request an appeal to the director of the division of family services. Each recipient who has not requested an appeal prior to the closing or modification of [his] **the recipient's** case shall be notified at the time of such closing or modification of [his] **the** right to request an appeal during this ninety-day period. Proper blank forms for requesting an appeal to the director of the division of family services shall be furnished by the county office to any aggrieved applicant. Every such request made in any manner for an appeal to the director of the division of family services shall be transmitted by the county office to the director of the division of family services immediately upon the same being filed with the county office. If an appeal is requested in the ninety-day period subsequent to the closing or modification, benefits or services shall not be continued at their prior level during the pendency of the appeal.

5. In the case of a rejection of an application for benefits or services, the aggrieved applicant shall have ninety days from the date of the notice of the action in which to request an appeal to the director of the division of family services. In the rejection notice the applicant for benefits or services shall be notified of all of [his] **the applicant's** rights of appeal [under] **pursuant to** this section. Proper blank forms for requesting an appeal to the director of the division of family services shall be furnished by the county office to any aggrieved applicant. Any such request made in any manner for an appeal shall be transmitted by the county office to the director of the division of family services, immediately upon the same being filed with the county office.

6. If the division has rejected an application for benefits or services and the applicant appeals, the decision of the director as to the eligibility of the applicant at the time such rejection was made shall be based upon the facts shown by the evidence presented at the hearing of the appeal to have existed at the time the rejection was made.

7. The director of the division of family services shall give the applicant for benefits or services or the recipient of benefits or services reasonable notice of, and an opportunity for, a fair hearing [in the county of his residence at the time the adverse action was taken. The hearing shall be] conducted by the director of the division of

family services or [his designee] **an authorized designee to include an administrative hearing officer in the administrative hearing unit of the division of legal services**. Every applicant or recipient, on appeal to the director of the division of family services, shall be entitled to [be present at the hearing, in person and by attorney or representative] **a hearing either in person or by telephone. All in-person hearings shall be held in one of the administrative hearing units regional hearing offices located throughout the state, or as designated by the administrative hearing unit. A person requesting a hearing may appear with or without an attorney or other representative**, and shall be entitled to introduce into the record of such hearing any and all evidence, by witnesses or otherwise, pertinent to such applicant's or recipient's eligibility between the time [he applied] **application** for benefits or services **was made** and the time the application was denied or the benefits or services were terminated or modified, and all such evidence shall be taken down, preserved, and shall become a part of the applicant's or recipient's appeal record. Upon the record so made, the director of the division of family services shall determine all questions presented by the appeal, and shall make such decision as to the granting of benefits or services as in [his] **the director's** opinion is justified and is in conformity with the provisions of the law. The director shall clearly state the reasons for [his] **the director's** decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

8. All appeal requests may initially be made orally or in any written form, but all such requests shall be transcribed on forms furnished by the division of family services and signed by the aggrieved applicant or recipient or his **or her** representative prior to the commencement of the hearing.

208.120. 1. For the protection of applicants and recipients, all officers and employees of the state of Missouri are prohibited, except as hereinafter provided, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of benefits or the contents of any records, files, papers, and communications, except in proceedings or investigations where the eligibility of an applicant to receive benefits, or the amount received or to be received by any recipient, is called into question, or for the purposes directly connected with the administration of public assistance. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence.

2. The division of family services shall in each county welfare office maintain monthly a report showing the name and address of all recipients certified by such county welfare office to receive public assistance benefits, together with the amount paid to each recipient during the preceding month, and each such report and information contained therein shall be open to public inspection at all times during the regular office hours of the county welfare office; provided, however, that all information regarding applicants or recipients other than names, addresses and amounts of grants shall be considered as confidential.

3. It shall be unlawful for any person, association, firm, corporation or other agency to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of any name or lists of names for commercial or political purposes of any nature; or for any name or list of names of recipients secured from such report in the county welfare office to be published in any manner. Anyone willfully or knowingly violating any provisions of this section shall be guilty of a misdemeanor. If the violation is by other than an individual, the penalty may be adjudged against any officer, agent, employee, servant or other person of the association, firm, corporation or other agency who committed or participated in such violation and is found guilty thereof.

**4. Notwithstanding any other provisions of this section to the contrary, the department of social services shall furnish, at least four times annually and upon request of the Immigration and Naturalization Service, the name, address and other identifying information of any individual whom the department knows to be unlawfully in the United States.**

208.150. The maximum amount of monthly public assistance money payment benefits payable to or on behalf of a needy person shall not exceed the following:

[(1) Aid to families with a dependent child, or children, and needy eligible relatives caring for a dependent child, or children, in an amount to be computed as follows:

(a) Beginning July 1, 1993, and at least every three years thereafter, the division of family services shall determine by regulation the average need for each such eligible person, which shall include the cost of basic needs required to maintain a child or children in the home at a reasonable and decent low-income standard of living, and shall pay, on a uniform basis, the highest percent of such need as shall be possible within the limits of funds appropriated for that purpose, less available income;

(b) "Available income" means the total income, before taxes or other deductions, of each person residing within the same household, except, to the extent allowed by federal law, the earnings of a student under nineteen years of age enrolled in a secondary school or at the equivalent level of vocational or technical training, plus or minus such credits or deductions as may be prescribed by the division of family services by regulations for the sole purpose of complying with federal laws or regulations relating to this state's eligibility to receive federal funds for aid to families with dependent children payments, and such credits or deductions as may otherwise be prescribed by law;

(c) The available income shall be subtracted from the total amount which otherwise would be paid;

(d) If the determined need under this subdivision is of an amount less than ten dollars, no cash payment will be made;]

**(1) Families work program benefits payable to individuals under the work first program in accordance with requirements established by the department or benefits people qualified for pursuant to aid to families with dependent children under the requirements in effect on June 1, 1995. The department shall not establish benefits payable to be less than those in place on June 1, 1995, and within appropriations authority;**

(2) Aid or public relief to an unemployable person not to exceed one hundred dollars.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) [All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040] **Individuals who meet the July 16, 1996, eligibility requirements for aid to families with dependent children or requirements so established by the department and who are eligible for medical assistance in accordance with rules and regulations promulgated by the department**;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who [would be eligible for aid to families with dependent children] **meet the July 16, 1996, eligibility requirements for aid to families with dependent children or requirements as established by the department,** except for the requirements of [subdivision (2) of subsection 1 of section 208.040] **deprivation of parental support**, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits [except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040] **pursuant to the July 16, 1996, eligibility requirements or requirements as established by the department except for the requirement of deprivation of parental support**;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements,

except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children **that were in existence as of July 16, 1996, or requirements as established by the department**, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children **that were in existence as of July 16, 1996, or requirements as established by the department**, except for the existence of a dependent child who is deprived of parental support [as provided for in subdivision (2) of subsection 1 of section 208.040];

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide medicaid coverage [under] **pursuant to** this subdivision, the department of social services may revise the state medicaid plan to extend coverage [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage [under] **pursuant to** this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish copayment, coinsurance, deductible, or premium requirements for medical assistance [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] **pursuant to** this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for

persons [under] **pursuant to** subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance [under] **pursuant to** this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for [aid to families with dependent children] **benefits through the work first program**. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for [aid to families with dependent children] **benefits through the work first program**. Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) shall be informed of the [aid to families with dependent children program] **work first program** and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated [under] **pursuant to** a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits **in accordance with the eligibility requirements that were in existence as of July 16, 1996, or requirements as established by the department** except for the requirements of paragraph (d) of subdivision (1) of section 208.150 **as it existed on July 16, 1996**;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010

:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance

on behalf of "medically needy" individuals for whom federal reimbursement is available [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

3. [After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended,] **Any family receiving Title XIX benefits based on meeting the eligibility requirements for aid to families with dependent children that were in existence on July 16, 1996, or requirements as established by the department** in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] **pursuant to** Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits [under] **pursuant to** Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him **or her** for care and services furnished in or after the third month before the month in which he **or she** made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

208.160. The department of social services or its divisions shall prepare separate rolls of persons entitled to benefits or compensation for:

(1) Supplemental payments;

(2) [Aid to dependent children] **Families work program**;

(3) Aid or public relief;

(4) Administrative personnel services and expenses;

(5) Any other grant, aid, pension, assistance or welfare services administered by the department of social services or its divisions. From the rolls, the department of social services or its divisions shall prepare warrants in the form required by section 33.160, RSMo, which shall be certified by the commissioner of administration to the state treasurer for certification as required by section 30.180, RSMo. As authorized by section 30.205, RSMo, or sections 105.273 to 105.278, RSMo, the commissioner or the state treasurer may authorize the department of social services to place their signature on the warrant to create a negotiable check or draft or may authorize the electronic transfer of funds in place of a check or draft.

208.170. 1. The state treasurer shall be treasurer and custodian of all funds and moneys of the department and shall issue checks upon such funds or moneys in accordance with such rules and regulations as the department shall prescribe.

2. There is hereby established as a special fund, separate and apart from the public moneys of this state, the following:

(1) Supplemental payment fund;

(2) Aid to families with dependent children fund;

(3) Relief fund;

(4) Child welfare service fund;

(5) Administration fund;

(6) Title XIX fund;

(7) Child support enforcement fund**;**

**(8) Families work program fund;**

**(9) Missouri general revenue maintenance of effort funds**.

3. The supplemental payment fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of supplemental payments. All checks payable to recipients of supplemental payments shall be drawn on and paid from this fund.

4. The [aid to families with dependent children] **work first program** fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of aid to families [with dependent children] **receiving benefits through the work first program**. All checks payable for [aid to families with dependent children] **the work first program** shall be drawn on and paid from this fund. **Any funds remaining in the aid to families with dependent children fund on July 1, 1997, or the date on which this section becomes effective, whichever occurs later, shall be transferred to the work first program fund.**

5. The relief fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for aid or relief in cases of public calamity. All expenditures for aid or relief in cases of public calamity shall be paid from this fund.

6. The child welfare service fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for child welfare services, and this fund or any portion of it may be transferred to the administration fund.

7. The administration fund shall consist of moneys appropriated by the state, and moneys received from the federal government to pay the administrative costs of the department in administering the provisions of the law. All checks payable for employees and personal services of representatives of the department shall be drawn on and paid from the administration fund.

8. The Title XIX fund shall consist of moneys appropriated by the state and such moneys as may be received from the federal government or other sources for the payment of medical assistance rendered to eligible recipients pursuant to the Title XIX state plan, and all checks payable on behalf of recipients shall be drawn on and paid from this fund.

9. The child support enforcement fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources including moneys representing assigned support obligations collected on behalf of recipients of public assistance and nonrecipients of public assistance, any fees collected by the department and any incentive payments received from other states. From this fund shall be paid any moneys collected which represent assigned support obligations required by state law or federal law to be returned to the obligee on whose behalf the obligation was collected, incentive payments to political subdivisions of this state or to other states, any reimbursement to the federal government for its respective share of payments for [aid to families with dependent children] **benefits through the work first program** and administrative costs incurred by the department in the administration of the child support enforcement program including purchase of child support enforcement services pursuant to the terms of cooperative agreements entered into with political subdivisions of this state, appropriate courts, law enforcement officials or others. Nothing herein shall prohibit the appropriation of federal funds to defer all administrative costs incurred by the department pursuant to chapter 454, RSMo, in the event that federal financial participation is extended to include all costs.

208.180. 1. Payment of benefits hereunder shall be made monthly in advance, at such regular intervals as shall be determined by the division of family services, directly to the recipient, or in the event of [his] **the recipient's** incapacity or disability, to [his] **the recipient's** legally appointed conservator, and except as provided in subsection 2 **of this section**, in the case of a dependent child to the relative with whom [he] **such child** lives; provided, that payments for the cost of authorized inpatient hospital or nursing home care in behalf of an individual may be made after the care is received either during [his] **the individual's** lifetime or after [his] **the individual's** death to the person, firm, corporation, association, institution, or agency furnishing such care, and shall be considered as the equivalent of payment to the individual to whom such care was rendered. All incapacity or disability proceedings of persons applying for or receiving benefits [under this law] **pursuant to this chapter** shall be carried out without fee or other expense when in the opinion of the probate division of the circuit court the person is unable to assume such expense. At the discretion of the court such a guardian or conservator may serve without bond.

2. Payment of benefits with respect to a dependent child may be made, pursuant to regulations of the division of family services, to an individual, other than the relative with whom [he] **such child** lives, who is interested in or concerned with the welfare of the child, or who is furnishing food, living accommodations or other goods, services or items to or for the dependent child[, in the following cases:

(1)] where the relative with whom the child lives has demonstrated an inability to manage funds to the extent that payments to [him] **such relative** have not been or are not being used in the best interest of the child[; or

(2) Where the relative has refused to participate in a work or training program to which he has been referred under section 208.042].

3. Whenever any recipient shall have died after the issuance of a benefit check to [him] **such recipient**, or on or after the date upon which a benefit check was due and payable to [him] **such recipient**, and before the same is endorsed or presented for payment by the recipient, the probate division of the circuit court of the county in which the recipient resided at the time of [his] **the recipient's** death shall, on the filing of an affidavit by one of the next of kin, or creditor of the deceased recipient, and upon the court being satisfied as to the correctness of such affidavit, make an order authorizing and directing such next of kin, or creditor, to endorse and collect the check, which shall be paid upon presentation with a certified copy of the order attached to the check and the proceeds of which shall be applied upon the funeral expenses and the debts of the decedent, duly approved by the probate division of the circuit court, and it shall not be necessary that an administrator be appointed for the estate of the decedent in order to collect the benefit check. No cost shall

be charged in such proceedings. Such affidavit filed by one of the next of kin, or creditor, shall state the name of the deceased recipient, the date of [his] **such recipient's** death, the amount and number of such benefit check, the funeral expenses and debts owed by the decedent, and whether the decedent had any estate other than the unpaid benefit check and, in the event the decedent had an estate that requires administration, the provisions of this section shall not apply and the estate of the decedent shall be administered upon in the same manner as estates of other deceased persons.

208.182. 1. The division of family services shall establish [pilot projects in St. Louis city and in any county with a population of six hundred thousand or more, which shall provide for] a system of electronic transfer of benefits to public assistance recipients **specified in subsection 5 of this section. The electronic benefits transfer system shall be implemented for food stamp recipients not later than October 1, 2002**. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of [his] **the recipient's** account.

2. The disclosure of any information provided to a financial institution, business or vendor by the division of family services pursuant to this section is prohibited. Such financial institution, business or vendor may not use or sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.

3. Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.

4. The division of family services shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017, RSMo, and chapter 536, RSMo.

5. The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, [aid to families with dependent children (AFDC)] **those funded through families work program**, women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including Medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.

208.325. 1. [Beginning October 1, 1994,] The department of social services shall enroll [AFDC] **families work program** recipients in the self-sufficiency [program] **pacts** established by this section. [The department may target AFDC households which meet at least one of the following criteria:

(1) Received AFDC benefits in at least eighteen out of the last thirty-six months; or

(2) Are parents under twenty-four years of age without a high school diploma or a high school equivalency certificate and have a limited work history; or

(3) Whose youngest child is sixteen years of age, or older; or

(4) Are currently eligible to receive benefits pursuant to section 208.041, an assistance program for unemployed married parents.

2. The department shall, subject to appropriation, enroll in self-sufficiency pacts by July 1, 1996, the following AFDC households:

(1) Not fewer than fifteen percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, and who are currently participating in the FUTURES program;

(2) Not fewer than five percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, but who are currently not participating in the FUTURES program; and

(3) By October 1, 1997, not fewer than twenty-five percent of aid to families with dependent children recipients, excluding recipients who meet the following criteria and are exempt from mandatory participation in the family self-sufficiency program:

(a) Disabled individuals who meet the criteria for coverage under the federal Americans with Disabilities Act, P.L. 101-336, and are assessed as lacking the capacity to engage in full-time or part-time subsidized employment;

(b) Parents who are exclusively responsible for the full-time care of disabled children; and

(c) Other families excluded from mandatory participation in FUTURES by federal guidelines.]

**2. Self-sufficiency pacts developed and utilized by the department of social services in conjunction with the implementation of families work program shall meet the requirements of the individual responsibility plans required by The Personal Responsibility and Work Reconciliation Act of 1996, as amended.**

3. Upon enrollment in the [family self-sufficiency program] **work first program**, a household shall receive an initial assessment of the family's educational, child care, employment, medical and other supportive needs. There shall also be assessment of the recipient's skills, education and work experience and a review of other relevant circumstances. Each assessment shall be completed in consultation with the recipient and, if appropriate, each child whose needs are being assessed.

4. Family assessments shall be used to complete a family self-sufficiency pact in negotiation with the family. The family self-sufficiency pact shall identify a specific point in time, no longer than twenty-four months after the family enrolls in the self-sufficiency pact, when the family's primary self-sufficiency pact shall conclude. The self-sufficiency pact is subject to reassessment and may be extended for up to an additional twenty-four months, but the maximum term of any self-sufficiency pact shall not exceed a total of [forty-eight] **sixty** months. Family self-sufficiency pacts should be completed and entered into within three months of the initial assessment.

5. The division of family services shall complete family self-sufficiency pact assessments and/or may contract with other agencies for this purpose, subject to appropriation.

6. Family self-sufficiency assessments shall be used to develop a family self-sufficiency pact after a meeting. The meeting participants shall include:

(1) A representative of the division of family services, who may be a case manager or other specially designated, trained and qualified person authorized to negotiate the family self-sufficiency pact and follow-up with the family and responsible state agencies to ensure that the self-sufficiency pact is reviewed at least annually and, if necessary, revised as further assessments, experience, circumstances and resources require;

(2) The recipient and, if appropriate, another family member, assessment personnel or an individual interested in the family's welfare.

7. The family self-sufficiency pact shall:

(1) Be in writing and establish mutual state and family member obligations as part of a plan containing goals, objectives and timelines tailored to the needs of the family and leading to self-sufficiency;

(2) Identify available support services such as subsidized child care, medical services and transportation benefits during a transition period, to help ensure that the family will be less likely to return to public assistance.

8. The family self-sufficiency pact shall include a parent and child development plan to develop the skills and knowledge of adults in their role as parents to their children and partners of their spouses. Such plan shall include school participation records. The department of social services shall, in cooperation with the department of health, the department of mental health, and the "Parents as Teachers" program in the department of elementary and secondary education, develop or make available existing programs to be presented to persons enrolled in a family self-sufficiency pact.

[9. A family enrolled in a family self-sufficiency pact may own or possess property as described in subdivision (6) of subsection 2 of section 208.010 with a value of five thousand dollars instead of the one thousand dollars as set forth in subdivision (6) of subsection 2 of section 208.010.

10. A family receiving AFDC may own one automobile, which shall not be subject to property value limitations provided in section 208.010.

11. Subject to appropriations and necessary waivers, the department of social services may disregard from one-half to two-thirds of a recipient's gross earned income for job-related and other expenses necessary for a family to make the transition to self-sufficiency.

12.] **9.** A recipient may request a review by the director of the division of family services, or his designee, of the family self-sufficiency pact or any of its provisions that the recipient objects to because it is inappropriate. After receiving an informal review, a recipient who is still aggrieved may appeal the results of that review under the procedures in section 208.080.

[13.] **10.** The term of the family self-sufficiency pact may only be extended due to circumstances creating barriers to self-sufficiency and the family self-sufficiency pact [may] **shall** be updated and adjusted to identify and address the removal of these barriers to self-sufficiency.

[14.] **11.** Where the capacity of services does not meet the demand for the services, limited services may be substituted and the pact completion date extended until the necessary services become available for the participant. The pact shall be modified appropriately if the services are not delivered as a result of waiting lists or other delays.

[15.] **12.** The division of family services shall establish a training program for self-sufficiency pact case managers which shall include but not be limited to:

**(1) Ensure compliance with the programs and provisions of sections 1 to 32 of this act and ensure applicants are provided with all information regarding benefits in compliance with subsection 2 of section 1 of this act;**

[(1)] **(2)** Knowledge of public and private programs available to assist recipients to achieve self-sufficiency;

[(2)] **(3)** Skills in facilitating recipient access to public and private programs; and

[(3)] **(4)** Skills in motivating and in observing, listening and communicating.

[16.] **13.** The division of family services shall ensure that families enrolled in the family self-sufficiency program make full use of the federal earned income tax credit.

[17. Failure to comply with any of the provisions of a self-sufficiency pact developed pursuant to this section shall result in a recalculation of the AFDC cash grant for the household without considering the needs of the caretaker recipient.

18. If a suspension of caretaker benefits is imposed, the recipient shall have the right to a review by the director of the division of family services or his designee.

19. After completing the family self-sufficiency program, should a recipient who has previously received thirty-six months of aid to families with dependent children benefits again become eligible for aid to families with dependent children benefits, the cash grant amount shall be calculated without considering the needs of caretaker recipients. The limitations of this subsection shall not apply to any applicant who starts a self-sufficiency pact on or before July 1, 1997, or to any applicant who has become disabled or is receiving or has received unemployment benefits since completion of a self-sufficiency program.

20.] **14.** There shall be conducted a comprehensive evaluation of the family self-sufficiency program contained in the provisions of this act [and the job opportunities and basic skills training program ("JOBS" or "FUTURES") as authorized by the provisions of sections 208.400 to 208.425]. The evaluation shall be conducted by a competitively chosen independent and impartial contractor selected by the commissioner of the office of administration. The evaluation shall be based on specific, measurable data relating to those who participate successfully and unsuccessfully in these programs and a control group, factors which contributed to such success or failures, the structure of such programs and other areas. The evaluation shall include recommendations on whether such programs should be continued and suggested improvements in such programs. The first such evaluation shall be completed and reported to the governor and the general assembly by September 1, 1997. Future evaluations shall be completed every three years thereafter. [In addition, in 1997, and every three years thereafter, the oversight division of the committee on legislative research shall complete an evaluation on general relief, child care and development block grants and social services block grants.]

[21.] **15.** The director of the department of social services may promulgate rules and regulations, pursuant to

section 660.017, RSMo, and chapter 536, RSMo, governing the use of family self-sufficiency pacts in this program and in other programs, including programs for noncustodial parents of children receiving assistance.

[22. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received.]

208.337. 1. The division may deposit funds into an account on behalf of children whose custodial parent is a participant in the [program authorized pursuant to the provisions of sections 208.400 to 208.425,] **work first program** and whose noncustodial parent is participating in a state job training and adult educational program approved by the division of family services. If agreed upon by the parties, funds may also be deposited for this purpose when the noncustodial parent terminates participation in the job training or educational program, until the custodial parent completes participation in [the program authorized pursuant to the provisions of sections 208.400 to 208.425] **work first program work activities**. The amount deposited for each child shall not exceed the portion of current child support paid by the noncustodial parent, to which the state of Missouri is entitled according to applicable state and federal laws. Money so received shall be governed by this section notwithstanding other state laws and regulations to the contrary.

2. Any money deposited by the division on behalf of a child, as provided in subsection 3 of this section, shall be accounted for in the name of the child. Any money in the account of a child may be expended only for care or services for the child as agreed upon by both parents. The division shall, by rule adopted pursuant to section 454.400, RSMo, and chapter 536, RSMo, establish procedures for the establishment of the accounts, use, expenditure, and accounting of the money, and the protection of the money against theft, loss or misappropriation.

3. The division shall deposit money appropriated for the purposes of this section with the state treasurer. Any earnings attributable to the money in the account of a child shall be credited to that child's account.

4. Each child for whose benefit funds have been received by the division, and the parents of such child, shall be furnished annually by the division of budget and finance of the department of social services with a statement listing all transactions involving the funds which have been deposited on the child's behalf, to include each receipt and disbursement, if any.

5. (1) The director of the department of social services shall apply for all waivers of requirements under federal law to implement the provisions of this section.

(2) This program shall not be implemented until the waiver has been obtained from the Secretary of the Department of Health and Human Services by the director of the department of social services.

208.345. The division of family services, with the cooperation of the division of vocational rehabilitation, shall establish a protocol where persons who qualify for public assistance, including [aid to families with dependent children,] general relief and medical assistance, because of a disability may be directed to an appropriate federal agency to apply for other benefits. The division of family services shall also establish a procedure to identify applicants and recipients who may be entitled to supplement or supplant state benefits with other benefits through the Social Security Disability, Railroad Retirement, Supplemental Security Income, Veterans, Qualified Medicare Beneficiary and Specified Low Income Medicare Beneficiary and other programs.

**208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created as a pilot program in the State of Missouri.**

**208.701. This program shall be organized by the Department of Social Services in two Missouri counties and organization in any county desiring to be eligible to participate shall be required to provide the Department of Social Services with no less than five written statements from organizations within the county declaring their intent to act as partners in the Community Partnership Program. The program shall be implemented within the first six months from the effective date of this act.**

**208.703. As used in sections 208.700 to 208.737, the following terms shall mean:**

**(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:**

**(a) Benevolent association established pursuant to chapter 352, RSMo;**

**(b) Charitable organization as defined in section 407.453, RSMo;**

**(c) Combination of paragraphs (a) to (g) of subdivision (2) of this section;**

**(d) Governmental body;**

**(e) Not for profit corporation established pursuant to chapter 355, RSMo;**

**(f) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), 501 (c) (7) or 501 (c) (8) of Title 26, United States Code, as amended; or**

**(g) Religious or educational organization exempt from taxation pursuant to the Missouri or United States Constitution;**

**(2) "Director", the director of the division of family services;**

**(3) "Division", the division of family services;**

**(4) "Program", the community partnership program established pursuant to this act;**

**(5) "Public assistance", the cash, in-kind, or other payment to which a qualified individual is entitled;**

**(6) "Qualified individuals", any individual who receives any cash or in-kind payment, or any other public assistance administered by the division of family services;**

**(7) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**208.705. The provisions of chapter 208, RSMo, to the contrary notwithstanding, qualified individuals may participate in the community partnership program as established in sections 208.700 to 208.737.**

**208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.**

**208.710. 1. The division shall:**

**(1) Determine and publicly disclose the gross amount of public assistance to be dispersed for aid to families with dependent children, and the total costs for administering said assistance as a percentage of said gross amount;**

**(2) Calculate the public assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the public assistance distributed to those individuals who elect not to participate;**

**(3) Not reduce the monthly cash public assistance of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;**

**(4) Not set a public assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the public assistance amount of those who do not participate in the program;**

**(5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;**

**(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;**

**(7) Establish a hotline for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.**

**2. Payments to implement sections 208.700 to 208.737 shall be made from the community partnership program fund created in section 208.730.**

**208.712. Any community partnership organization may contract with the division to distribute public assistance to qualified individuals who elect to participate in a community partnership program.**

**208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:**

**(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services; however, the community partnership organization shall not charge a fee which as a percentage of the public assistance distributed exceeds ten percent;**

**(2) Supplement the public assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:**

**(a) Child day care in a child day care center;**

**(b) Job training;**

**(c) Transportation;**

**(d) Food or household necessities;**

**(e) Remedial education;**

**(f) Domestic skills training;**

**(g) Parenting instruction;**

**(h) Health benefits.**

**208.717. As a condition of the receipt of public assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:**

**(1) Perform any illegal act; or**

**(2) Attend any religious worship service.**

**208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their public assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive public assistance**

**as otherwise provided for by law.**

**208.722. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.**

**208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:**

**(1) Meet the definition established in section 208.702, for community partnership organizations;**

**(2) Be in existence for a period of at least five years before they are eligible for the program;**

**(3) Demonstrate to the division, through a written report, the services that are to be provided;**

**(4) Allow audits of public assistance distributed to recipients pursuant to sections 208.707 and 208.710;**

**(5) Agree that the community partnership organization will not discriminate on the basis of race, religion, or national origin; and**

**(6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.**

**208.727. 1. Community partnership organizations may actively seek private donations to support and supplement a community partnership program. Any taxpayer of Missouri may claim a tax credit if provided for by an appropriation by the general assembly; however, the amount appropriated for the tax credit, if any, shall not be less than the savings realized by the division as a result of the program established by this act.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to the community partnership organization.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.737. Moneys shall be appropriated to the fund to provide public assistance to qualified individuals that are at least equal to the public assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or public assistance from any other source or sources, and make investments of the unexpended balances thereof.**

**208.732. 1. There is hereby created the "Community Partnership Advisory Council" to make recommendations to the division on ways to improve and expand the program. The council shall be composed of seven members, consisting of the lieutenant governor, the director of social services, the director of the division of family services, or their representatives, and four members of the public who are active participants in a community partnership organization. The four members of the public shall be appointed by the governor with the advice and consent of the senate, and no more than two shall be of the same political party. The chair of the council shall be the lieutenant governor. Council members appointed by the governor shall serve four-year terms or until their successor is duly appointed and qualified.**

**2. The advisory council shall meet as necessary, but at least twice yearly, to review activities of the commission, present recommendations in writing to the governor and the general assembly as requested or as necessary to ensure adequate exchange of information, and meet within four weeks after the initial members have been appointed. Four of the members shall constitute a quorum and no action shall be taken without the concurrence of four of the members.**

**208.737. This credit shall become effective January 1, 1998 and shall apply to all taxable years beginning after December 31, 1997.**

210.221. 1. The department of health shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child care facility, inspect their books and records, premises and children being served, examine their officers and agents, [and] **deny,** suspend [or] revoke **or place on probation** the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 [or]**,** the rules and regulations made by the department of health**. The director also may revoke or suspend a license when the licensee has failed to renew or has surrendered the license**;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department of health.

**3. The department shall deny, suspend or revoke a license if it receives official notice that the license is prohibited by any local law related to the health and safety of children in child care as determined by local authorities.**

[3. No rule or portion of a rule promulgated under the authority of sections 210.201 to 210.245 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for himself or for any other person makes materially false statements in order to obtain a license or the renewal thereof under sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

**2. If the department of health proposes to deny, suspend or revoke a license, the department of health shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed; the basis for it; the date the action will go into effect; and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant or licensee's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission.**

**3. The department of health may issue letters of censure or warning and may place a license on probation without formal notice or hearing.**

**4. The department of health may suspend any license simultaneously with action taken in subsection 2 of section 210.245, if the department of health finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee. The licensee may appeal the decision to suspend the license to the department of health. The appeal must be filed within ten days from the receipt of the notice of appeal. A hearing shall be conducted by the department of health within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.**

[2.] **5.** In addition to initiating proceedings under subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility **or the department may request that the attorney general seek an injunction to prevent the operation of the facility** for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child care facility is in substantial compliance. [If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department of health, the department of health may request that the attorney general seek an injunction of the operation of such child care facility.]

[3.] **6.** In cases of imminent bodily harm to children in the care of a child care facility, the department may file suit in the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.252. 1. All buildings and premises used by a child care facility to care for more than four children except those exempted from the licensing provisions of the department of health pursuant to subdivisions (1) [to]**, (2),** (3)**, (4) and (6)** of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, his designee or officials of a local fire district and for health and sanitation by the department of health or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child care facility.

2. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for himself or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings under subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility [for violating any provision of section 210.252] **or the department may request that the attorney general seek an injunction to prevent the operation of the child care facility for violating any provision of sections 210.252 to 210.259 or the rules promulgated by the department**. The injunction shall remain in force until such a time as the court determines that the child care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child care facility, the department of health may apply to the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility."; and

Further amend said bill, Page 196, Section 454.1027, Line 13 of said page, by inserting immediately after all of said line the following:

"473.399. 1. As used in this section, the following terms mean:

(1) "Assistance", funds expended by a state agency to or on behalf of a person in the form of aid, care, or services, except that for the purposes of this section, [aid to families with dependent children] **work first program benefits** shall not be considered assistance;

(2) "Obligor estate", the estate against which an obligation [under] **pursuant to** this section arises;

(3) "Recipient", a person to whom or on whose behalf assistance is provided;

(4) "State agency", the department of social services, department of health and department of mental health of the state of Missouri.

2. For the purposes of this section, the providing of assistance shall create an obligation which may be recovered by filing a claim in the probate division of the circuit court against the decedent estate of the spouse of the deceased recipient upon such spouse's death as provided by the probate code of Missouri, chapters 472, 473, 474 and 475, RSMo. The amount of the state debt shall be the full amount of assistance without interest provided to the recipient during the marriage of such recipient and spouse; provided that the liability of the obligor estate shall not exceed the value of the combined resources of the recipient and the spouse of the recipient on the date of death of the recipient.

3. The state agency providing the assistance may initiate a claim on the debt against the obligor estate.

4. The obligor estate may assert as a defense to the state agency's claim that more than two years prior to the providing of assistance, the recipient voluntarily abandoned the spouse.

5. An obligor estate shall have the right of setoff against the state debt for any amounts recovered by the state agency from the estate of the deceased recipient pursuant to section 473.398.

6. Claims shall not be filed [under] **pursuant to** this section when collection of the state debt would be contrary to federal statutes for assistance programs in which federal funds are received.

**536.028. 1. Notwithstanding provisions of this chapter to the contrary, the delegation of authority to any state agency to propose to the general assembly rules as provided under this section is contingent upon the agency complying with the provisions of this chapter and this delegation of legislative power to the agency to propose a final order of rulemaking containing a rule or portion thereof that has the effect of substantive law, other than a rule relating to the agency's organization and internal management, is contingent and dependent upon the power of the general assembly to review such proposed order of rulemaking, to delay the effective date of such proposed order of rulemaking until the expiration of at least thirty legislative days of a regular session after such order is filed with the general assembly and the secretary of state, and to disapprove and annul any rule or portion thereof contained in such order of rulemaking.**

**2. No rule or portion of a rule that has the effect of substantive law shall become effective until the final order of rulemaking has been reviewed by the general assembly in accordance with the procedures provided pursuant to this chapter. Any agency's authority to propose an order of rulemaking is dependent upon the power of the general assembly to disapprove and annul any such proposed rule or portion thereof.**

**3. In order for the general assembly to have an effective opportunity to be advised of rules proposed by any state agency, an agency shall propose a rule or order of rulemaking by complying with the procedures provided in this chapter, except that the notice of proposed rulemaking shall first be filed with the general**

**assembly by providing a copy thereof to the joint committee on administrative rules, which may hold hearings upon any proposed rule, order of rulemaking or portion thereof at any time. The agency shall cooperate with the joint committee on administrative rules by providing any witnesses, documents or information within the control of the agency as may be requested.**

**4. Such proposed order of rulemaking shall not become effective prior to the expiration of thirty legislative days of a regular session after such order is filed with the secretary of state and the joint committee on administrative rules.**

**5. The committee may, by majority vote of its members, recommend that the general assembly disapprove and annul any rule or portion thereof contained in an order of rulemaking after hearings thereon and upon a finding that such rule or portion thereof should be disapproved and annulled. Grounds upon which the committee may recommend such action include, but are not limited to:**

**(1) Such rule is substantive in nature in that it creates rights or liabilities or provides for sanctions as to any person, corporation or other legal entity; and**

**(2) Such rule or portion thereof is not in the public interest or is not authorized by the general assembly for one or more of the following grounds:**

**(a) An absence of statutory authority for the proposed rule;**

**(b) The proposed rule is in conflict with state law;**

**(c) Such proposed rule is likely to substantially endanger the public health, safety or welfare;**

**(d) The rule exceeds the purpose, or is more restrictive than is necessary to carry out the purpose, of the statute granting rulemaking authority;**

**(e) A substantial change in circumstance has occurred since enactment of the law upon which the proposed rule is based as to result in a conflict between the purpose of the law and the proposed rule, or as to create a substantial danger to public health and welfare; or**

**(f) The proposed rule is so arbitrary and capricious as to create such substantial inequity as to be unreasonably burdensome on persons affected.**

**6. Any recommendation or report issued by the committee pursuant to subsection 5 of this section shall be admissible as evidence in any judicial proceeding and entitled to judicial notice without further proof.**

**7. The general assembly may adopt a concurrent resolution in accordance with the provisions of article IV, section 8 of the Missouri constitution to disapprove and annul any rule or portion thereof.**

**8. Any rule or portion thereof not disapproved within thirty legislative days of a regular session pursuant to subsection 7 of this section shall be deemed approved by the general assembly and the secretary of state may publish such final order of rulemaking as soon as practicable upon the expiration of thirty legislative days of a regular session after the final order of rulemaking was filed with the secretary of state and the joint committee on administrative rules.**

**9. Upon adoption of such concurrent resolution as provided in subsection 7 of this section, the secretary of state shall not publish the order of rulemaking until the expiration of time necessary for such resolution to be signed by the governor, or vetoed and subsequently acted upon by the general assembly pursuant to article III, section 32 of the Missouri Constitution. If such concurrent resolution is adopted and signed by the governor or otherwise reconsidered pursuant to article III, section 32, the secretary of state shall publish in the Missouri Register, as soon as practicable, the order of rulemaking along with notice of the proposed rules or portions thereof which are disapproved and annulled by the general assembly.**

**10. Notwithstanding the provisions of section 1.140, RSMo, the provisions of this section, section 536.021, RSMo, and section 536.025, RSMo, are nonseverable and the delegation of legislative authority to an agency to propose orders of rulemaking is essentially dependent upon the powers vested with the general assembly as provided herein. If any of the powers vested with the general assembly or the joint committee on administrative rules to review, to hold in abeyance the rule pending action by the general assembly, to delay the effective date or to disapprove and annul a rule or portion of a rule contained in an order of rulemaking, are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and**

**contained in the order of rulemaking shall be revoked and shall be null, void and unenforceable.**

**11. Nothing in this section shall prevent the general assembly from adopting by concurrent resolution or bill within thirty legislative days of a regular session the rules or portions thereof, or as the same may be amended or annulled, as contained in a proposed order of rulemaking. In that event, the proposed order of rulemaking shall have been superseded and the order and any rule proposed therein shall be null, void and unenforceable. The secretary of state shall not publish a proposed order of rulemaking acted upon as described herein.**

**12. Upon adoption of any rule now or hereafter in effect, such rule or portion thereof may be revoked by the general assembly either by bill or by concurrent resolution pursuant to article IV, section 8 of the constitution on recommendation of the joint committee on administrative rules. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the revocation.**

**13. This section shall become effective only upon the expiration of twenty calendar days following the:**

**(1) Failure of the executive to sign executive order number 97-97; or**

**(2) Modification, amendment or rescission of executive order number 97-97; or**

**(3) An agency's failure to hold the rule in abeyance as required by executive order number 97-97; or**

**(4) Declaration by a court with jurisdiction that section 536.024, RSMo, or any portion of executive order number 97-97 is unconstitutional or invalid for any reason.**

**Notwithstanding the provisions of this subsection to the contrary, no modification, amendment or rescission of executive order number 97-97 or failure to hold a rule in abeyance shall make this section effective if the modification, amendment or rescission of the executive order or failure to hold the rule in abeyance is approved by the general assembly by concurrent resolution.**"; and

Further amend said bill, Page 204, Section 620.145, Line 11 of said page, by inserting immediately after all of said line the following:

"660.016. If the state's net federal reimbursement allowance for fiscal year 1994 and subsequent fiscal years exceeds one hundred thirty million dollars, the department of social services shall include in its 1995 fiscal year budget recommendation that any revenues in excess of one hundred thirty million dollars subject to appropriation be designated for the following purposes:

(1) Loans for physicians and nurses who will serve in medically underserved areas of Missouri as designated by the director of health;

(2) Primary and preventive care initiatives, including parenting classes, as determined by the directors of health and social services; and

(3) Transitional Medicaid expenses of [AFDC] **work first program** recipients who accept employment which does not provide a medical benefit. As used in this section, "net federal reimbursement allowance" shall mean that amount of the federal reimbursement allowance in excess of the amount of state matching funds necessary for the state to make payments required by subsection 1 of section 208.450, RSMo, or, if the payments exceed the amount so required, the actual payments made for the purposes specified in subsection 1 of section 208.450, RSMo. This section shall cease to be in effect if the revenues generated by sections 208.450 to 208.480, RSMo, become ineligible for federal financial participation, if payments cease to be made pursuant to section 208.471, RSMo, or if such sections expire in accordance with section 208.480, RSMo.

660.017. The department of social services may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Including but not limited to sections 208.151, RSMo, 210.256, RSMo, and sections 6, 8, 10, 11, 13, 16, 23, 25 and 28 of this act any rule or portion of a rule promulgated shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**

**660.020. For the purposes of sections 660.020 to 660.026, the following terms mean:**

**(1) "Caseload standards", the minimum and maximum number of cases that an employee can reasonably be expected to perform in a normal work month based on the number of cases handled by, or the number of different job functions performed by, the employee;**

**(2) "Department", the department of social services;**

**(3) "Director", the director of the department of social services;**

**(4) "Professional caseload standards", caseload standards that are defined by national organizations such as the Child Welfare League, National Eligibility Workers Associations and the National Association of Social Workers, or caseload standards used in other states which have similar job titles.**

**660.023. 1. The director shall develop caseload standards based on the actual duties of employees in each program area of the department. The director shall consider the recommendations of the caseload standards advisory committee, established pursuant to section 660.026 when developing these caseload standards.**

**2. In establishing standards pursuant to sections 660.020 to 660.026, the director shall:**

**(1) Ensure the standards are based on the actual duties of the caseworker;**

**(2) Ensure the standards are consistent with existing professional caseload standards; and**

**(3) Consider standards developed by other states for workers in similar positions of employment.**

**3. Such standards shall be used by the director as the basis of the department's personnel budget request to the governor.**

**4. If an employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, good faith efforts to complete such assignments shall be among the factors considered in the employee's performance evaluation and before any disciplinary action is imposed. If an employee's performance evaluation is lowered or discipline is imposed by a supervisor, because the employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, the employee may file a grievance based on a claim of work expectations that exceed caseload standards, and the employee shall be entitled to an accelerated hearing of that grievance by the director.**

**5. Subject to appropriations, the department shall use the standards established pursuant to sections 660.020 to 660.026 to assign caseloads to individual employees.**

**6. The director shall promulgate rules prescribing the standards provided for in this section.**

**660.026. 1. The director shall convene, at least biannually, a caseload standards advisory committee which shall consist of seven nonsupervisory employees of the department and three division directors of the department or their designees. A representative of the employees' certified majority organization shall also serve on the committee. The caseload standards advisory committee shall include as nearly as possible employees from each program area of the department.**

**2. The caseload standards advisory committee shall review professional and other caseload standards and recommendations the committee considers appropriate and recommend to the department suggestions for minimum and maximum caseloads for each category of workers employed by the department.**

[96.230. In all cities of the third class in this state there is hereby created and established, at the option of the mayor and common council of any such city, a board which shall be styled "The Social Welfare Board of the City of ...". All powers and duties connected with and incident to the relief and prevention of dependency, relief and care of the indigent, and the care of sick dependents, with the exception of the insane and those suffering with contagious, infectious and transmissible diseases, and excepting those persons who may be admitted to the county poorhouses of the counties in which such cities are located, shall be exclusively invested in and exercised by the board. The board shall have power to receive and expend donations for social welfare purposes, and shall have exclusive control of the distribution and expenditure of any public funds set aside and appropriated by such cities for relief of the temporary dependent. The board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take by gift, grant, devise,

bequest or otherwise, any money, real estate, personal property, right of property or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure. The board may make bylaws for its own guidance, rules and regulations for the government of its agents, servants and employees, and for the distribution of the funds under its control.]

[96.240. Said board shall have power to make all suitable provisions for the relief, maintenance and support of all indigent persons within said cities, and to make suitable provisions for the care and maintenance of the sick dependents and those who are unable to support themselves; to enforce the laws of the state, the ordinances of said cities, in regard to the indigent, and to make such rules and regulations in the conduct of its business not inconsistent with the laws of the state of Missouri, and the ordinances of said cities; to recommend to the common council of said cities the passage of such ordinances as said board may deem necessary for the welfare of the indigent of said cities. The board shall have the power to employ and discharge all persons or officers in their judgment necessary to carry on the work over which said board is given jurisdiction or control. Said board shall further have power to enter into cooperative arrangement with state or county agencies, or with charitable and philanthropic associations in order better to promote the objects of its work. Said board may act as agent for the county superintendent of public welfare within the limits of the city, under such arrangements as may be made jointly by them.]

[96.250. Said board shall be nonpartisan and nonsectarian and the members and officers thereof shall receive no compensation as such. Said board shall consist of the mayor of such cities, who shall be ex officio a member thereof, and six other members, men or women, who shall be appointed by the mayor and the common council of such cities, who shall hold office, two for one year, two for two years, and two for three years, whose term of office shall be designated by the mayor. Whenever the term of office of any member so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment. Vacancies from any causes shall be filled in like manner as original appointment. The mayor may, for misconduct or neglect of duty, remove any members appointed by him in the manner required for removal of officers of such cities.]

[96.260. Said members shall, immediately after their appointment, and annually thereafter, meet and organize by electing out of their number a president, vice president, treasurer and secretary. All subordinate officers and employees appointed shall give such bonds for the faithful discharge of their duties as may be required by the board.]

[96.270. All moneys received or appropriated for the use of said board shall be deposited with the treasurer, who shall give good and sufficient bond to said board for the safekeeping and proper expenditure of all funds placed in his hands, by or for the use of said board.]

[96.280. It shall be the duty of said board to keep a record of its proceedings and its receipts, expenditures and operations, and to annually render a full and complete itemized report, stating the condition of their trust, together with such other matters as they may deem of general interest to the mayor and common council of said cities; provided said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the common council of said cities.]

[96.290. It shall be the duty of said board, when any person by himself or another applies for relief, to make immediate inquiry into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief, the said board shall furnish, out of the funds in its hands, such relief as the circumstances of the case may require; provided, that in all cases where the applicant for aid may be found dependent, and said applicant or member of said applicant's family is an able-bodied person, said board shall require such person to perform work to the value of the aid given.]

[161.193. 1. As used in this section, the word "council" means the state council on vocational education assigned to the department of elementary and secondary education by executive orders 85-3 and 85-5 in 1985.

2. The council shall provide to the department of economic development, the education committees of the house of representatives and the senate, and the appropriations committees of the house of representatives and the senate copies of all reports which the council is required to submit or does submit to the state board of education, the governor, the state job training coordinating council, the secretary of education and the secretary of labor, or any of the above.]

[205.590. Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons.]

[205.600. No person shall be deemed an inhabitant within the meaning of sections 205.580 to 205.760, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such poor person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid.]

[205.610. The county commission of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any associate circuit judge of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons.]

[205.620. The county commission shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance.]

[205.640. The several county commissions shall have power, whenever they may think it expedient, to purchase or lease, or may purchase and lease, any quantity of land in their respective counties, not exceeding three hundred and twenty acres, and receive a conveyance to their county for the same.]

[205.650. Such county commission may cause to be erected on the land so purchased or leased a convenient poorhouse or houses, and cause other necessary labor to be done, and repairs and improvements made, and may appropriate from the revenues of their respective counties such sums as will be sufficient to pay the purchase money in one or more payments to improve the same, and to defray the necessary expenses.]

[205.660. The county commission shall have power to make all necessary and proper orders and rules for the support and government of the poor kept at such poorhouse, and for supplying them with the necessary raw materials to be converted by their labor into articles of use, and for the disposing of the products of such labor and applying the proceeds thereof to the support of the institution.]

[205.670. The several county commissions shall set apart from the revenues of the counties such sums for the annual support of the poor as shall seem reasonable, which sums the county treasurers shall keep separate from other funds, and pay the same out on the warrants of their county commissions.]

[205.680. Any county which now has or may hereafter have within such county a city having a special charter and which city now has or may hereafter have a population of not less than ten thousand inhabitants and not more than thirty thousand inhabitants shall, out of the funds of such county, provide for the care of the poor in said county, including poor of such city or cities, and no such city shall hereafter be exempt from any tax for the support of the poor of such county. No money shall hereafter be refunded to any such city by any such county on account of any money expended by said county for the support of the poor of said county.]

[205.690. Whenever such poorhouse or houses are erected, the county commission shall have power to appoint a fit and discreet person to superintend the same and the poor who may be kept thereat, and to allow such superintendent a reasonable compensation for his services.]

[205.700. Such superintendent shall have power to cause persons kept at such poorhouse, who are able to do useful labor, to perform the same by reasonable and humane coercion.]

[205.710. The county commission may at any time, for good cause, remove the superintendent and appoint another to fill the vacancy.]

[205.720. It shall be the duty of the superintendent of the poor, or poor farm, as provided for in sections 205.580 to 205.760, to keep a book furnished by the county commission, and enter therein a book account of all business transactions had or done or caused to be done by him as superintendent. Said book shall show an itemized account of all farm products, stock and other articles sold by the superintendent or by his authority, and of all articles purchased for the use of the poor, or for the use or improvement of the poor farm or the buildings thereon, and of all expenses for farm labor and other work or services done by order or contract of the superintendent, and of such other items as may be ordered kept therein by the county commission.]

[205.730. It shall be the duty of the superintendent to appear before the county commission on the first day of every regular session thereof, and at such other times as the commission may require, and present said book to said commission for their inspection. Should the superintendent fail or refuse to keep such book and present the

same to the county commission, as provided in sections 205.580 to 205.760, it shall be considered sufficient cause for his removal, and it shall be the duty of the county commission to remove the same, and appoint another to fill the vacancy.]

[205.740. All money that shall come into the hands of the superintendent from the sale of farm products, stock or other articles belonging to the county, and all other money belonging to the county that shall come into his hands from other sources, except by warrants drawn in his favor by the county commission, shall be paid into the county treasury and placed with the fund for the support of the poor, and a receipt taken for the same.]

[205.750. Every superintendent, before entering upon his duties, shall enter into a bond to the state of Missouri in a sum not less than five hundred nor more than three thousand dollars, to be determined by the county commission, conditioned that he will faithfully account for all money belonging to the county that shall come into his hands, and that he will exercise due diligence and care over property belonging to the county, under his control. Said bond shall be approved by the county commission and filed with the clerk thereof.]

[205.760. Sections 205.720 to 205.750 shall not apply to any county where the support and keeping of the poor is let out by contract, nor to any county where the superintendent rents or leases the poor farm and stocks the same and furnishes the necessary farm implements used thereon at his own expense, and carries on said farm at his own expense.]

[205.765. 1. The county commission of any county of the first class may by resolution create a department of health and welfare which department shall be operated in the manner hereinafter set out.

2. Notwithstanding the provisions of subsection 1, no department of health and welfare shall be created in any county of the first class not having a charter form of government in which a county health center has been established pursuant to the provisions of sections 205.010 to 205.150, whether or not the health center is established prior to the county's attaining first class status.]

[205.766. 1. The commissioners of the county commission shall during their term of office serve as commissioners of health and welfare of their respective counties and shall have charge and control of all county hospitals, clinics, health centers, institutions for the insane and all county corrective, welfare and eleemosynary institutions except the county jail and the place of detention used by the juvenile court.

2. Said commissioners shall have supervision of the rehabilitation of all state prisoners in the county jail after conviction and sentence thereto, subject to the approval of the county sheriff.

3. They shall perform investigational case work, excepting that relating to adoption, probation and detention of juveniles, in all cases involving the distribution and expenditure of any county funds.

4. They shall administer all laws relating to the county support of the poor and shall have charge of all boarding home care for all juveniles subject to the jurisdiction of the juvenile court and shall perform such other duties as provided by law.]

[205.767. The commissioners of health and welfare may appoint a director of health and welfare and the commissioners shall fix his compensation. The commissioners may also employ such assistants as are necessary and shall fix their compensation. The cost of salaries and expenses of the department shall be apportioned to any appropriate county fund.]

[205.769. 1. Any first class county not having a charter form of government and adjacent to a county of the first class having a charter form of government which does not contain a city with a population of three hundred thousand or more, and adjacent to not more than one county of the second class, may make health inspections of premises on or from which food is prepared, served, or sold to members of the general public for consumption by humans; except this act shall not apply to hospitals licensed under chapter 197, RSMo, or to nursing homes licensed under chapter 198, RSMo. Any county which makes inspections as authorized by this section shall also have the power and authority to issue licenses and to charge reasonable fees for such inspections, which fees shall not exceed the amount necessary to fund and implement an inspection program established pursuant to this section.

2. Such inspections shall be performed at least annually according to procedures established by the Missouri department of health and shall be performed in the most cost efficient manner. Inspections shall be performed by qualified employees of the county, or by contracting such services on a fee basis, at the discretion of the county commission. Any person making such inspections must meet the Missouri department of health qualifications.

3. No establishment described in subsection 1 of this section shall be issued a county license until it has passed

inspection. Any such establishment which has been licensed and subsequently fails an inspection shall be given ten days to correct its deficiencies and if such establishment fails to correct its deficiencies, it shall be subject to license suspension and suspension of operations. If the establishment operates without the license, the owner is guilty of a class B misdemeanor. The license shall remain suspended until the deficiencies are corrected.

4. New establishments must submit plans for their operation to the county health department before construction proceeds and licenses are sought Establishments already doing business in the county shall not be subject to this subsection.

5. All religious, educational, nonprofit, fraternal or civic organizations shall be exempt from the fees authorized by the provisions of subsection 1 of this section.

6. From and after August 13, 1986, health inspections of the establishments described in subsection 1 of this section shall be performed only by the county and the state. Municipalities may provide for such health inspections only in those counties which do not provide for a health inspection throughout the county.]

[205.840. It shall be the duty of the board of police commissioners of said cities, and the health officers of said cities and counties to render said social welfare board, its officers and agents, such aid as may be requested by them, or either of them, whenever such aid requested shall reasonably come within the duties of said police board, its agents or officers or the health officers aforesaid.]

[205.850. The county commission in counties of the third and fourth classes may in its discretion, with an order of the juvenile court showing approval, appoint a county superintendent of public welfare, and such assistants as it may deem necessary. Whenever the county commission of any county has appointed a superintendent of public welfare such officer shall assume all the powers and duties now conferred by law upon the probation or parole officer of such county and shall assume all the powers and duties of the attendance officer in said county and all the powers and the duties of the attendance officer in any incorporated town or village having a population of more than one thousand inhabitants, and no other or different probation or parole officer or attendance officer or officers shall be appointed by the judge of the juvenile court, by the county superintendent of public schools, or by the school board or any incorporated city, town, or village school district or consolidated school district.]

[205.860. The county commission shall fix the salary of the county superintendent of public welfare and of his assistants in its county.]

[205.870. It shall be the duty of the county superintendent of public welfare to administer all of the funds of the county devoted to outdoor relief and allowances to needy mothers. He shall seek to discover any cases of neglect, dependent, defective or delinquent children in the county, and take all reasonable action in his power to secure for them the full benefit of the laws enacted for their benefit. Assistants to the county superintendents of public welfare shall perform such of the duties of the county superintendent of public welfare as he may assign to them.]

[205.880. The county superintendent of public welfare may be deputized or authorized and required by the department of social services to act as its agent in relation to any work to be done by said department within the county, and when said county superintendent is so authorized as the agent of the department of social services, he shall have the same powers and authority as are given to the department of social services. The county superintendent of public welfare may at any time call on the department of social services for advice and assistance in the performance of his duties.]

[205.890. The county superintendent of public welfare in each county shall, upon the request of the department of mental health, and in accordance with its direction, give special care and attention to the needs of any patient recently discharged from the state hospital for the insane who resides in his county, either on parole or permanent discharge, to the end that such patients may be established in such favorable circumstances as shall tend to prevent their relapse into insanity, and shall report on the progress of such former patients to the department of mental health, and under its direction, to the institution from which they have been paroled or discharged.]

[205.900. 1. The county superintendent of public welfare shall give such oversight and supervision to prisoners who are on parole from the state penitentiary and are residing in his county, and to persons who are on parole from the Missouri Reformatory, and Missouri Training School for Boys and to girls on parole from the State Training School for Girls or from the State Training School for Negro Girls, as may be requested by the state department of corrections and human resources and shall report upon the progress of said paroled prisoners to the state department of corrections and human resources as often as it may request.

2. The county superintendent of public welfare in each county shall give oversight and supervision to prisoners on parole or probation by any court in the state of Missouri and shall investigate applications for clemency when requested to do so by said courts, and shall report in regard to each person placed under his supervision to the court placing said persons under his supervision.

3. The county superintendent of public welfare shall also give oversight and supervision to children placed on parole or probation by the juvenile court or the court having jurisdiction of children's cases in his county when requested to do so by said court and shall report to said court upon progress of persons thus placed on parole or probation.]

[205.910. The county superintendent of public welfare in each county shall cooperate with the state employment bureaus and shall, upon request of the head of such bureaus, furnish data with regard to the opportunities for employment in their respective counties and shall aid and assist in any practical way in securing employment for the unemployed in his county.]

[205.920. The county superintendent of public welfare and his assistants may be deputized by the director of the inspection section of the department of labor and industrial relations, as his agent or agents, and when they are so deputized by the director, they shall have the same powers and authority as deputy industrial inspectors.]

[205.930. The county superintendent of public welfare shall investigate the conditions of living among the poor, sick and delinquent in the county and examine thoroughly into causes of crime and poverty in the county and shall make recommendations from time to time to the proper state department, and to proper local authorities as to any change in conditions or in legislation necessary to prevent or reduce poverty, crime or distress in the state.]

[205.940. The records of cases handled and business transacted by the county superintendent of public welfare shall be kept in such manner and form as may be prescribed by the department of social services.]

[205.950. The county superintendent of public welfare shall each year prepare and keep on file, a full report of his work and proceedings during the year, and shall file a copy with the county commission and with the secretary of the department of social services.]

[207.090. 1. The division of family services of the department of social services shall, in cooperation with the division of aging, develop and establish a pilot project for the employment of persons age fifty-five or older as part-time case workers for the division. The project shall be of a three-year duration and shall be funded by federal funds and state appropriations made for that purpose, not to exceed fifty percent of the total cost of the project, and donations received from private persons, firms, or corporations. The project shall not exceed ten senior citizens at any one time, and no one senior citizen shall be assigned more than ten cases at any one time. The participants shall be compensated for their services in an amount not to exceed five thousand dollars a year each. The pilot project shall be established in each county of the first classification containing the major part of a city with a population of more than three hundred thousand. Annually, the division of family services shall report on the project to the governor and the general assembly.

2. The section shall expire on August 28, 1997.]

[208.040. 1. Aid to families with dependent children shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the division of family services, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive aid to families with dependent children benefits. Benefits may be granted and continued for this reason only while it is the judgment of the division of family services that a physical or mental defect, illness or disability exists which

prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The division of family services shall require as additional conditions of eligibility for benefits that each applicant for or recipient of aid:

(1) Shall furnish to the division the applicant or recipient's social security number or numbers, if the applicant or recipient has more than one such number;

(2) Shall assign to the division of family services in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment is effective as to both current and accrued support obligations and authorizes the division of child support enforcement of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;

(3) Shall cooperate with the divisions of family services and of child support enforcement unless the division of family services determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child. The divisions of family services and of child support enforcement shall impose all penalties allowed pursuant to federal participation requirements;

(4) Shall cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for medical assistance as provided in section 208.152, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards; and

(5) Shall participate in any program designed to reduce the recipient's dependence on welfare, if requested to do so by the department of social services.

3. The division shall require as a condition of eligibility for AFDC benefits that a minor child under the age of eighteen who has never married and who has a dependent child in his or her care, or who is pregnant and otherwise eligible for AFDC benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised supportive living arrangement, as required by section 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:

(1) The individual has no parent or legal guardian who is living or the whereabouts of the individual's parent or legal guardian is unknown; or

(2) The division of family services determines that the physical health or safety of the individual or the child of the individual would be jeopardized; or

(3) The individual has lived apart from any parent or legal guardian for a period of at least one year prior to the birth of the child or applying for benefits; or

(4) The individual claims to be or to have been the victim of abuse while residing in the home where she would be required to reside and the case has been referred to the child abuse hotline and a "reason to suspect finding" has been made. Households where the individual resides with a parent, legal guardian or other adult relative or in some other adult-supervised supportive living arrangement shall, subject to federal waiver to retain full federal financial participation and appropriation, have earned income disregarded from eligibility determinations up to one hundred percent of the federal poverty level.

4. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subdivision (3) of subsection 2 of this section, any aid for which such child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without regard to subsections 1 and 2 of this section.

5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo, either statewide or as pilot projects, in certain geographic areas, subject to obtaining necessary federal waivers and appropriation authority, and in compliance with state statutes. These policies may include:

(1) Increasing the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by July 1, 1998;

(2) Supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the aid to families with dependent children grant to employers who hire such recipients, provided that the department of social services shall develop a methodology and a process for addressing instances where a regular employee claims job loss because of replacement solely due to the employer's preference for hiring a worker whose wage is supplemented by an aid to families with dependent children grant.

6. Upon receipt of a federal waiver which allows such, the work history requirements and definition of "unemployed" shall not apply to parents under age twenty-one in order for these parents to be eligible for assistance under section 208.041.]

[208.041. 1. Notwithstanding the provisions of subdivision (2) of section 208.050, the provisions of section 208.040 shall also apply to a needy child who has been deprived of parental support or care by reason of the unemployment of a parent as such term "unemployment" is defined and determined by the division of family services pursuant to applicable federal law and regulations. The unemployed parent, for whose child or children benefits may be received, is eligible for payments and under this section must:

(1) Be physically present in Missouri, living in the home with the child or children, actively seeking employment, and complying with requirements made by the division of family services pursuant to applicable state and federal requirements for registration with the United States Secretary of Labor or his representative regarding employment, training, work incentive and special work projects;

(2) Have been unemployed for at least thirty days prior to receiving benefits under this section and must apply for and receive any unemployment benefits to which he or she is entitled, such benefits to be considered as unearned income in determining eligibility for aid to families with dependent children;

(3) Not have refused without good cause, within such thirty-day period prior to the receipt of such aid, any bona fide offer of employment which he or she is physically able to perform and otherwise qualified to engage in;

(4) Not have refused, without good cause, vocational rehabilitation, education, training, work incentive or special work projects offered;

(5) (a) Have six or more quarters of work within any thirteen-calendar-quarter period ending within one year prior to the application for such aid or have received or have been qualified to receive unemployment compensation within such one-year period;

(b) A "quarter of work" with respect to any individual shall mean a period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first in which he or she received earned income of not less than fifty dollars or in which he or she participated in a community work and training program or the work incentive program;

(c) An individual shall be deemed "qualified" for unemployment compensation under the state's unemployment compensation law if he or she would have been eligible to receive such benefits upon filing application, or he or she performed work not covered by such law which, if it has been covered, would, together with any covered work he or she performed, have made him or her eligible to receive such benefits upon filing application; and

(6) Be the natural or adoptive parent of the child or children or legally responsible for the support of the child or children.

2. The division of family services shall enter into a cooperative agreement with the state department of elementary and secondary education and the coordinating board for higher education for use of public vocational rehabilitation and education services and facilities in respect to the unemployed parent to the end that those capable of assimilating and utilizing the same may be trained or retrained.

3. The division of family services shall enter into an agreement with the division of employment security for registration and reregistration of unemployed parents, and shall refer them to the United States Secretary of Labor or his representative, within thirty days of receiving assistance, for the purpose of providing employment, training, work incentive and special work projects for all eligible unemployed parents as provided in section 208.042.

4. Payments shall be prorated within the limits of the appropriations, and shall not exceed the amount of the appropriations made therefor.

5. This section shall not become effective until June 16, 1983.]

[208.042. 1. In households containing recipients of aid to families with dependent children benefits, each appropriate child, relative or other eligible individual sixteen years of age or over shall be referred by the division of family services to the United States Secretary of Labor or his representative for participation in employment, training, work incentive or special work projects when established and operated by the secretary, to afford such individuals opportunities to work in the regular economy and to attain independence through gainful employment.

2. The division of family services, pursuant to applicable federal law and regulations, shall determine the standards and procedures for the referral of individuals for employment, training, work incentive and special work projects, which shall not be refused by such individuals without good cause; but no recipient or other eligible individual in the household shall be required to participate in such work programs if the person is

(1) Ill, incapacitated, or of advanced age;

(2) So remote from the location of any work or training project or program that he cannot effectively participate;

(3) A child attending school full time;

(4) A person whose presence in the household on a substantially continuous basis is required because of illness or incapacity of another member of the household.

3. The division of family services shall pay to the United States Secretary of Labor or his representative up to twenty percent of the total cost, in cash or in kind, of the work incentive programs operated for the benefit of the eligible persons referred by the division of family services; and the division of family services shall pay an amount to the secretary for eligible persons referred to and participating in special work projects not to exceed the maximum monthly payments authorized under sections 208.041 and 208.150 for recipients of public assistance benefits. An allowance in addition to the maximum fixed by section 208.150 may also be made by the division of family services for the reasonable expenses of any needy child or needy eligible relative which are attributable to his participating in a work training or work incentive program.

4. If an eligible child or relative refuses without good cause to participate in any work training or work incentive program to which he has been referred, payment to or on behalf of the child or relative may be continued for not more than sixty days thereafter, but in such cases payments shall be made pursuant to subsection 2 of section 208.180. If a relative has refused to so participate, payments on behalf of the eligible children cared for by the relative shall be made pursuant to subsection 2 of section 208.180.

5. The division of family services is authorized to expend funds to provide child day care services, when appropriate, for the care of children required by the absence of adult persons from the household due to referral and participation in employment, training, work incentive programs or special work projects.]

[208.043. 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits shall be granted on behalf of a needy child and may be granted to a needy eligible legal guardian caring for a needy dependent child who:

(1) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;

(2) Is living with a legal guardian;

(3) Is under the age of eighteen; and

(4) Is not eligible for aid to dependent children benefits under section 208.040 because the child is not living with a specified relative.

2. The amount of the monthly public assistance benefit payable hereunder shall be determined by the standards set forth in section 208.150.]

[208.047. 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits may be granted to a dependent child:

(1) Who would meet the requirements of section 208.040, except for his removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

(2) For whose placement and care the division of family services is responsible;

(3) Who has been placed in a foster family home or nonprofit private child-care institution as a result of such determination; and

(4) Who (a) received aid to dependent children benefits in and for the month in which court proceedings leading to such determination were initiated; or (b) would have received aid in or for that month if application

had been made therefor; or

(c) in the case of a child who had been living with a relative specified in section 208.040 within six months prior to the month in which such proceedings were initiated, would have received aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.

2. Monthly aid to dependent children benefits on behalf of a child placed in a foster family home or nonprofit private child-care institution shall not exceed one hundred dollars for each child and in the event that federal aid to states for dependent children placed in a nonprofit private child-care institution is withdrawn, benefit payments under this section shall be terminated on behalf of a dependent child in a nonprofit private child-care institution.]

[208.048. 1. A dependent child eighteen years of age shall, in order to retain eligibility for aid to families with dependent children, be enrolled as a full-time student in a public or private secondary school, or an equivalent level of vocational or technical school in lieu of secondary school, and reasonably expected to complete the program of the secondary school, or equivalent vocational or technical training.

2. The department of social services shall promulgate rules and regulations to carry out the provisions of this section pursuant to section 660.017, RSMo, and chapter 536, RSMo.]

[208.050. Aid to families with dependent children benefits shall not be granted or continued:

(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;

(2) To any person when benefits are claimed by reason of his physical or mental incapacity, and such person refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his capacity to support himself and his dependents, and it is certified by competent medical authority designated by the division of family services that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the division of family services may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he endangers the health of others in his refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;

(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need applicable to the family:

(a) Such amount of income shall be considered income to the individual in the month received, and the household of which such person is a member shall be ineligible for the whole number of months that equals the sum of such amount and all other income received in such month, not excluded or disregarded by the division, divided by the standard of need applicable to the family;

(b) Any income remaining shall be treated as income received in the first month following the period of ineligibility specified in paragraph (a);

(c) For the purposes of this subdivision, where consistent with federal law or regulation, "income" shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member.]

[208.339. The office of administration, division of personnel, shall explore telecommuting employment options for aid to families with dependent children recipients.]

[208.342. The director of the department of social services shall, in conjunction with the state treasurer's office, coordinate an earned income tax credit program for qualifying AFDC recipients.]

[208.400. As used in sections 208.400 to 208.425 and section 452.311, RSMo, the following terms mean:

(1) "Case manager", an employee of the division having responsibility for the assessment of the participant's educational and employment needs and for assisting the participant in the development and execution of the service plan;

(2) "Community work experience program", as defined under section 201 of the Family Support Act of 1988 (P.L. 100-485), a program designed to enhance the employability of participants not otherwise able to obtain employment through providing training and an actual work experience;

(3) "Department", the department of social services;

(4) "Division", the division of family services of the department of social services;

(5) "Educational component", that portion of the Missouri job opportunities and basic skills training (JOBS) program which is intended to provide educational opportunities for participants. This component will include:

(a) "Adult basic education", any part-time or full-time program of instruction emphasizing reading, writing and computation skills, including day classes or night classes, which prepares a person to earn a Missouri high school equivalency certificate pursuant to section 161.093, RSMo;

(b) "High school education", instruction in two or more grades not lower than the ninth nor higher than the twelfth grade which leads to the award of a diploma provided by any school to a person, to the extent that such instruction conforms to the requirements established pursuant to section 201 of P.L. 100-485 and federal regulations promulgated under said section;

(c) "Postsecondary education", any part-time or full-time program of instruction in a community junior college, college or university as allowed by regulations of the department of health and human services; and

(d) "Vocational education", any part-time or full-time program of instruction of less than baccalaureate grade, including day classes or night classes, which prepares a person for gainful employment;

(6) "Employment component", that portion of the Missouri JOBS program which is intended to provide employment counseling, training, and referral and employment opportunities for participants;

(7) "JOBS", the job opportunities and basic skills training program for AFDC recipients developed by the division of family services;

(8) "Participant", any recipient who is participating in the Missouri JOBS program;

(9) "Recipient", any person receiving aid to families with dependent children benefits under section 208.040 or 208.041;

(10) "Service plan", as defined in section 201 of the Family Support Act of 1988 (P.L. 100-485), an employability plan designating the services to be provided by the department and the activities in which the participant will be involved; and

(11) "Transitional child care services", child day care services provided, as defined in sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485), to participants who have become ineligible for such services due to the increased wages of or hours of employment.]

[208.405. 1. No later than October 1, 1990, the division of family services shall establish and operate a job opportunities and basic skills training (JOBS) program for AFDC recipients.

2. The division of family services, subject to appropriation, shall administer the job opportunities and basic skills training (JOBS) program as provided in Part F of Title IV of the Social Security Act.

3. Pursuant to Public Law 100-485, state funds expended for education, training and employment activities, including supportive services, to assist aid to families with dependent children recipients in becoming self-sufficient shall be no less than the level expended for such purposes in fiscal year 1986.

4. The department shall plan and coordinate all the JOBS program with the Missouri Job Training Coordinating Council, educational training and basic skills training and opportunities afforded under the provisions of this act with the department of elementary and secondary education, the department of labor and industrial relations and the department of economic development so as not to duplicate any existing program and services now offered. The existing personnel in those departments together with such added personnel as may be authorized by appropriations shall be utilized in carrying out the provisions of this act.]

[208.410. 1. The division, in determining the priority of participation by individuals, shall give priority to volunteers as described in section 201 of P.L. 100-485.

2. The state plan for the job opportunities and basic skills training program shall include a publicity or recruitment program the goal of which shall be to ensure that volunteers for participation in the job opportunities and basic skills training program are served first and are given preference for available education, training and support services.

3. Any recipient who has a child under three years of age living in the home and is personally providing care for the child shall be exempt from required participation in the JOBS program.

4. Prior to the termination of any benefits or supportive services of a participant by the division as a sanction authorized pursuant to the provisions of this section, the participant shall be afforded a pretermination hearing, on the record, with an opportunity for the participant to be heard.

5. No person shall without good cause, as such term is defined in Public Law 100-485 and regulations defined thereunder, refuse services offered by the division pursuant to this section. The division may, by rule and regulation, provide sanctions against any person who violates the provisions of this subsection. Sanctions shall be consistent with the provisions of Title II, Section 201 of the Family Support Act of 1988.]

[208.415. 1. The division shall adopt rules and regulations pursuant to chapter 536, RSMo, to administer such program. Such rules shall include procedures for referral of individuals for education, employment, job search, training including on-the-job training, and special work projects. Such rules may implement any optional provision of the Family Support Act of 1988.

2. An initial assessment of the educational, child care, and other supportive services needs as well as the skills, prior work experience, and employability of each participant in the program including a review of the family circumstances shall be completed for all participants. This assessment shall be completed in consultation with the participant.

3. On the basis of the assessment, the division, in consultation with the participant, shall develop a service plan for the participant. The service plan shall explain the services that will be provided by the state agency and the activities in which the participant will take part under the program, including child care and other supportive services, shall set forth a service goal for the participant, and shall, to the maximum extent possible and consistent with sections 208.400 to 208.425, and section 452.311, RSMo, reflect the respective preferences of such participant. The plan shall take into account the participant's supportive services needs, available program resources, and local employment opportunities. The plan shall include a description of the rights, duties, and responsibilities of the participant and the division.

4. The division may operate a community work experience program in accordance with section 201 of P.L. 100-485. The program shall be voluntary for thirty-six months after July 27, 1989, after which time those individuals who have received AFDC benefits for thirty-six of the preceding sixty months may be required to participate in the community work experience program.]

[208.500. 1. Sections 208.500 to 208.507 shall be known as "Transitional Benefits Demonstration Project". Subject to appropriations and receipt of a federal waiver, the division of family services shall establish a three-year demonstration project which shall provide transitional benefits to families who lose their eligibility for assistance under aid to families of dependent children because of an increase in earned income.

2. As used in sections 208.500 to 208.507, the following terms mean:

(1) "Child care", child care services provided by the division of family services;

(2) "Division", division of family services of the department of social services;

(3) "Medical services", those services provided for under section 208.152;

(4) "Participant", any recipient who is participating in the demonstration project;

(5) "Project", a demonstration project directed at AFDC recipients who become ineligible for benefits due to an increase in earned income, in which such recipients can receive child care and medical services for an indefinite period of time, not to exceed three years, to assist in the transition from welfare to employment;

(6) "Recipient", any person receiving aid to families of dependent children benefits under section 208.040 or 208.041.]

[208.503. 1. The division shall select project participants from applicants who meet the criteria and requirements set forth in subsection 3 of this section.

2. Subject to appropriations, the division shall provide child care and medical services to no more than two hundred fifty head-of-household participants. Such child care and medical services will continue until the earned income of the participant is at least two times the minimum wage. The division shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires that as the recipient's earned income increases, the recipient shall contribute to the cost of the assistance in accordance with a sliding scale fee established by rule.

3. In order to be considered for selection as a prospective project participant pursuant to sections 208.500 to 208.507:

(1) A person shall apply to the division to participate in the program;

(2) An applicant shall have been a recipient of AFDC benefits for at least twelve of the last thirty-six months preceding application;

(3) The applicant shall have become ineligible for AFDC benefits due to an increase in earned income, within

the year preceding application, or is currently receiving transitional child care services as defined in section 208.400;

(4) The applicant shall be employed at the time of application and not receiving employer paid child care or medical services;

(5) The applicant shall meet any other criteria as determined by the division of family services.]"; and

Further amend said bill, Page 206, Section 5, Line 6 of said page, by inserting immediately after all of said line the following:

"**Section 6. 1. By July 1, 1997, the department of social services shall establish and implement the "Families Work Program" in accordance with "The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Title IV, Section 401 et seq., as amended. All funds received by the state for this program shall be subject to appropriation by the state legislature consistent with the terms and conditions of Part A of Title IV of the Social Security Act and the Child Care and Development Block Grant Amendments of 1996, as amended, and any applicable state laws.**

**2. The department of social services shall inform all applicants and recipients of assistance of any funds through the families work program that such assistance shall be used for the purpose of obtaining self-sufficiency.**

**3. Unless otherwise indicated in this legislation, the department of social services shall act consistently with the provisions certified in the plan submitted to the United States Department of Health and Human Services on September 30, 1996, or subsequent certification dates for funds from the Temporary Assistance for Needy Families Block grant. As indicated in that plan, the state of Missouri shall:**

**(1) Operate a child support enforcement program;**

**(2) Operate a foster care and adoption assistance program; and**

**(3) Establish and enforce standards and procedures to ensure against program fraud, including prevention of nepotism, conflicts of interest and kickbacks.**

**4. The state of Missouri shall also continue to operate the following waivers granted under section 1115 of the Social Security Act:**

**(1) The Missouri families mutual responsibility plan that began on July 1, 1995, and is scheduled to operate through June 30, 2000, statewide; and**

**(2) The 21st century communities demonstration plan that began on January 31, 1993, and is scheduled to operate through January 31, 2005.**

**5. The goals of the families work program are to:**

**(1) Move families from welfare to work and increase their opportunities to achieve self-sufficiency;**

**(2) Insure accountability on the part of persons who receive government assistance and the state agencies' administering programs that serve Missouri's low-income families;**

**(3) Create a program that is tailored to meet the individual needs of the adult diverse population as a transition to work;**

**(4) Provide assistance to Missouri's needy children and families while maintaining assistance on a fair and consistent basis through the state;**

**(5) Encourage and facilitate meaningful contact and relationships between children and non-custodial parents whenever it is in the best interest of the children;**

**(6) Build on Missouri's already successful welfare reform efforts;**

**(7) Maximize Missouri's receipt of federal funds;**

**(8) Simplify program rules by coordinating Missouri's programs that serve low-income families;**

**(9) Insure health care coverage to the maximum extent possible for needy children and families; and**

**(10) Reducing the number of out-of-wedlock births.**

**6. The department of social services shall administer a fund to be known as the "Missouri Families Work Program Fund", which is hereby created in the state treasury. Moneys deposited in the fund shall equal one hundred percent of federal funds granted to the state by the United States Department of Health and Human Resources pursuant to The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996, as amended, also known as the federal TANF block grant, moneys appropriated by the general assembly and any private donations or grants.**

**7. The unexpended balance of funds received from the federal TANF Block Grant, and the interest earned on such funds at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.**

**8. The department of social services, division of family services shall collect and record in computer readable format data describing the demographics of persons applying for and receiving or not receiving public assistance and the actions taken by the department of social services, division of family services. The data shall cover applications, determinations of eligibility, granting, changing or denying benefits, amounts of benefits, sanctions, length of time on public assistance, age, physical or mental disability, incapacity to work as provided in subsection 7 of section 8 of this act, county and zip code of residence. The data collection shall be integrated with the tracking required under The Personal Responsibility and Work Opportunity Reconciliation of 1996, as amended, to avoid duplication.**

**9. The data, devoid of personal identification, shall be made available at actual cost of reproduction to universities or colleges and state agencies doing research on public assistance programs in a computer readable format.**

**10. The office of administration shall contract with a university, college or other agency independent of the department which has demonstrated expertise and experience in evaluating the success of programs of public assistance or human social development. In developing the request for proposal, the office of administration shall consult with the departments of elementary and secondary education, social services, mental health, labor and industrial relations, health and economic development. The purpose of the study will be to measure the performance of the public assistance system including inequities in the system. The scope of the study shall apply the science of statistics and probability to identify the demographics of persons receiving public assistance and the response of the public assistance system to the needs of the applicants and recipients. The study shall also look for patterns and anomalies based upon residence, county, division of family services region, race, age, marital status, gender, or other demographic categories.**

**11. The contractor shall do an annual analysis of the data and report on the performance of the public assistance system and any anomalies and inequities to the department of social services, the governor and the general assembly.**

**12. Upon the termination of any benefits or supportive services of a participant by the division as a sanction authorized pursuant to the provisions of this section, the participant shall be afforded a post-termination hearing within thirty days, on the record, with an opportunity for the participant to be heard.**

**13. No person shall without good cause, as such term is defined in Public Law 104-193 and regulations defined thereunder, refuse services offered by the department pursuant to this section. The department may provide sanctions against any person who violates the provisions of this subsection.**

**14. In recognition of the reality of family violence for some individuals who may**

**need public assistance, and to ensure that applicants and recipients who are victims of abuse as defined in section 445.010, RSMo, are not placed at risk of abuse or unfairly penalized, the department shall, in accordance with the plan identified in subsection 3 of this section:**

**(1) Identify applicants and recipients who are such victims while protecting their confidentiality;**

**(2) Refer these individuals for supportive domestic violence services to increase self-sufficiency;**

**(3) Assess the need for a determination of good cause or hardship exemptions from families work requirements if such requirements place such applicants and recipients at risk of abuse.**

**15. (1) There is hereby established a joint committee of the general assembly to be known as the "Joint Legislative Welfare Reform and TANF Block Grant Oversight Committee". Such committee shall be composed of seven members of the senate, no more than two of which shall be members of the senate appropriations committee, appointed by the president pro tem of the senate, and seven members of the house of representatives, no more than two of which shall be members of the house budget committee, appointed by the speaker of the house. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when such term of office as a member of the general assembly has expired. The joint committee shall meet at least biannually. Committee members shall receive no additional compensation, but shall be reimbursed for reasonable and necessary expenses related to fulfilling the duties of the committee. Such expenses shall be paid from the joint contingency fund. No more than four members of the senate and four members of the house shall be from the same political party. A majority of the members shall constitute a quorum.**

**(2) The joint committee may, within the limits of its appropriations, employ such persons necessary to carry out its duties. The compensation of such personnel shall be paid from the joint contingency fund. The joint committee may, within limits of appropriations for that purpose enter into contracts to provide such professional, legal or technical assistance as may be necessary for it to perform its functions.**

**(3) The duties of the joint committee shall include, but may not be limited to:**

**(a) Monitoring the design and implementation of the provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;**

**(b) An annual review of the implementation of the state waivers and recommendations based upon such review submitted to the president pro tem of the senate and the speaker of the house of representatives regarding the continuance or discontinuance of such waivers;**

**(c) An annual evaluation of the funding levels, based upon the information provided by the department with recommendations submitted to the president pro tem of the senate, speaker of the house of representatives, chair of the senate appropriations committee and chair of the house budget committee regarding appropriate levels of funding for the families work act;**

**(d) Based on the analysis of the statewide data base of public assistance recipients provided by the department, make recommendations to the president pro tem of the senate and speaker of the house of representatives about which categories of needy individuals and families to exempt from the work participation requirements pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996;**

**(e) Making recommendations for administrative or procedural changes in the internal management or organization of the state agencies which provide or regulate public assistance programs;**

**(f) Compiling a report of its activities to be submitted to the members of the general assembly and the governor not later than January fifteenth of each year; and**

**(g) Any state funded agency which provides or regulates health care services shall cooperate with and assist the joint committee in the performance of its duties and shall make available all books, records and information as requested by the joint committee.**

**16. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.**

**Section 7. 1. Subject to necessary federal waivers and appropriation authority, the department of social services shall implement programs and policies designed to provide transistion to work benefits, as determined through an individualized assessment of needy families, as a part of the self-sufficiency pact. These programs shall include cash benefits, transportation assistance, child care and assistance with expenses related to job placement and employment. Child care income guidelines shall be assessed annually to determine if the availability of resources is sufficient. The eligibility criteria shall not exceed the income eligibility requirements for Medicaid for pregnant women and children. The department may implement such programs statewide or as pilot projects in specific geographical locations. These shall include programs designed to supplement the wages of recipients of benefits for twelve months or as provided by federal waivers by directing benefits provided through the work first program to employers who hire such individuals, pursuant to section 23 of this act.**

**2. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection**

**for employees from job displacement.**

**Section 8. 1. Missouri shall maintain its effort of spending in order to maximize the state's receipt of federal funds under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and to successfully implement programs that serve Missouri's low-income families and help them achieve self-sufficiency. The state of Missouri shall:**

**(1) Appropriate no less than one hundred percent of its fiscal year 1994 non-federal expenditures on "qualified state expenditures" as defined in section 409(a)(7)(B) of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended; and**

**(2) Maintain at least one hundred percent of the greater of its fiscal year 1994 or fiscal year 1995 non-federal expenditure on child care programs, as required by section 603(b) of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, in order to draw down the maximum amount of federal child care funds available to Missouri under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.**

**2. The qualified state expenditures that will count toward the maintenance of effort requirement for the TANF block grant are:**

**(1) State spending in the program created by the block grant on eligible families for:**

**(a) Cash assistance;**

**(b) Child care;**

**(c) Educational activities, designed to increase self-sufficiency, job training and work, excluding any expenditure for public education except expenditures which involve the provision of services or assistance to a member of an eligible family which is not generally available to persons who are not members of an eligible family;**

**(d) Administrative costs, as defined by the state, not to exceed fifteen percent of the total amount of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Title I block grant; and**

**(e) Any other use of funds allowed under the grant. Such funds shall be expended in a manner that does not jeopardize the abilities of needy children and families to obtain public assistance;**

**(2) State expenditures in excess of the amount spent in fiscal year 1994 for other state or local programs on eligible families for the activities listed in subdivision (1) of this section;**

**(3) State spending on families who would otherwise be eligible for assistance if not for the application of the five year lifetime limit on federal benefits; and**

**(4) State expenditures that would have received federal match funds under former programs.**

**3. The Department of Social Services shall administer a fund to be known as the "Missouri General Revenue Maintenance of Effort Fund", which is hereby created in the state treasury. Moneys deposited in the fund shall equal one hundred percent of state funds expended in fiscal year 1994 on the aids to families with dependent children program, aid to families with dependent children related child care programs, the job opportunities and basic skills training program and emergency assistance programs. Eighty percent of such moneys deposited in the fund shall be appropriated for the qualified state expenditures provided in subsection 2 of section 8 of this act. The remaining twenty percent shall remain in the fund subject to appropriation at the sole discretion of the general assembly.**

**4. The unexpended balance existing in the fund and the interest earned on the fund at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.**

**5. To reduce the number of applicants for public assistance, the department of social services may also use the Missouri general revenue maintenance of effort fund or Missouri families work program fund for temporary assistance for needy families to eliminate barriers to accepting employment and to assist individuals in remaining in the work place. Such funds may be used for, but not limited to, child support assurance payments, assisting families in making a child care payment, primary housing payment or rent or utilities payment, transportation allowance payment, work-related expense payment, medical expense payment, including**

**personal care attendants for the disabled, that is not covered by Federal Title XIX or third party insurance payors. Such payment shall be limited to a non-recurring payment and shall be made directly to vendors or to reimburse individuals for the purchase of receipted necessary materials.**

**6. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served is not able to meet the federal work requirements due to age or due to physical or mental disabilities.**

**7. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served is not able to meet the federal work requirements due to incapacity of the adult to work because of the incapacity of the adult caretaker or the caretaker's dependent as determined by the department by rule. Beginning fiscal year 1999 the funding for this subsection shall be appropriated as a separate item. The provisions of this subsection shall expire on January 1, 2005.**

**8. The provisions of this section shall expire on June 30, 2002.**

**Section 9. As used in sections 9 to 28 of this act and any other sections administering the families work program, the following terms mean:**

**(1) "Department", the department of social services and all its divisions;**

**(2) "Household", families that include a minor child who resides with a custodial parent, legal guardian or other caretaker relative;**

**(3) "Minor child", an individual who:**

**(a) Has not attained eighteen years of age; or**

**(b) Has not attained nineteen years of age and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.**

**Section 10. 1. The department of social services through the families work program shall establish the "Work First Program" to replace the Aid to Families with Dependent Children (AFDC), the Job Opportunities and Basic Skills (JOBS) and the Title IV-A Emergency Assistance Program. The work first program will stress self-sufficiency through employment and shall require that adults be responsible for fulfilling their individual self-sufficiency plans, as defined in section 208.325, RSMo, while requiring the state to support targeted populations trying to secure and retain employment.**

**2. The work first program shall move able-bodied adults into work activities as an alternative to receiving public assistance. The department of social services shall establish the eligibility requirements for the work first program which shall be no more restrictive than those requirements in place on July 16, 1996.**

**3. Any individual wishing to make application for any of the public assistance programs administered or supervised by the state shall have the opportunity to do so. Such public assistance shall be furnished with reasonable promptness to each eligible individual in accordance with statute and rules of the department. The department or a division of the department shall consider an application for public assistance to be for any category of public assistance for which the applicant or the applicant's dependents may be eligible.**

**Section 11. 1. The department of social services shall determine eligibility requirements of the work first program. Such eligibility requirements shall include income and asset limits and shall also include, but not be limited to:**

**(1) Requiring an applicant to participate in the work first program work activities as defined in section 21 of this act, with exclusions approved by the department;**

**(2) Requiring an applicant to be a resident of the state of Missouri, and a United States citizen or a legal immigrant who resided in the United States prior to August 22, 1996; however, qualified legal aliens shall be allowed to apply for and receive public assistance funded through the federal TANF block grant program;**

**(3) Requiring an applicant to provide his or her Social Security number or numbers, if the individual has more than one such number, and by requiring the applicant for or recipient of benefits to cooperate with the department to obtain a social security number;**

**(4) Establishing that assistance benefits shall only be paid to families that include at least one minor child who resides with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, legal guardian or other adult caretaker relative of the minor child;**

**(5) Requiring an applicant for benefits to state in writing, during the application process, whether that individual or any member of his or her household has been convicted under federal or state law of a felony offense which has as an element of the offense the possession, use or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 USC 802(6). This subdivision shall only apply to convictions occurring after August 22, 1996, the date of the enactment of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;**

**(6) Compliance with all requirements regarding the assignment of rights to support by any recipient of or applicant for benefits; and**

**(7) Participation by any recipient of or applicant for benefits in procedures to establish paternity and to identify the father of a child for whom assistance is sought, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards in effect as of July 16, 1996.**

**2. For the purpose of determining eligibility to receive, or the amount of, any assistance or benefits through the Missouri work first program, the department of social services shall disregard funds made to or maintained in, including interest accruing on an individual development account.**

**3. The department of social services is authorized to propose rules and regulations necessary to implement the programs referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.**

**Section 12. The income levels and resource limits which qualify a family for benefits shall be determined by the department, shall be no more restrictive than those in place on July 16, 1996, for the aid to families with dependent children program, and shall be uniformly applied throughout the state.**

**Section 13. 1. The department shall require, as a condition of eligibility for benefits through the work first program, that each applicant for or recipient of benefits shall assign to the department any rights to support from any other person that such applicant or recipient may have on his or her own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving benefits. Such assignment of rights to support shall take effect upon a determination by the department that the applicant is eligible for assistance through the work first program. The assignment shall be effective for current and accrued support obligations and shall authorize the division of child support enforcement of the department of social services to bring an administrative or judicial action to establish or enforce a current support obligation, to collect support arrearage that have accrued under an existing order for support, or to seek reimbursement of a support obligation pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.**

**2. The department shall not require as a condition of eligibility for benefits through the work first program that any member of a family must assign to the department any rights to support which accrue after the date the family leaves the program.**

**3. The department of social services shall implement the provisions necessary to collect current and accrued support obligations unless the department determines that such implementation is contrary to the best interest of a child on whose behalf benefits are claimed or of the caretaker of such a child. Such provisions shall include establishing the paternity of a child for whom support is claimed or obtaining any other payments or property that are due to such applicant or child. The divisions of family services and child support enforcement shall impose such sanctions as are consistent with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and are otherwise provided for by state law and through rules and regulations promulgated by the department of social services.**

**4. If the division of child support enforcement determines that an individual who is receiving benefits through the work first program fails or refuses to cooperate in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and for whom benefits are sought or received and if the individual does not demonstrate to the satisfaction of the department good cause for such failure or refusal to cooperate or enforce a support order, the department shall impose sanctions. The department shall promulgate such regulations as are necessary to implement this statute, including setting forth time frames for ineligibility and establishing such exemptions as are deemed appropriate. The department shall promulgate rules concerning the implementation of this section.**

**5. Child care support is defined as the legal obligation of an individual to provide an amount required to be paid under a judgment decree or order, whether temporary or final, issued by a court of competent jurisdiction or an administrative agency specifically for the child care expenses of a child. Any rights to receive child care support under a state program funded under Part A of the Social Security Act or under the state plan approved under Part A of the Social Security Act are assigned to the state as a pre-condition of receiving child care assistance. Assignment of child care support does not constitute an assignment of the child support amount awarded for the basic child needs of food, clothing and shelter but only for the assignment of the specific award for child care costs.**

**6. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.**

**Section 14. 1. Work first program benefits shall be granted on behalf of a needy child and may be granted to a caretaker relative or legal guardian caring for a needy dependent child if the child:**

**(1) Has been deprived of parental support or care by reason of the unemployment, death, continued absence from the home, or physical or mental incapacity of a parent;**

**(2) Is living with a caretaker relative or legal guardian;**

**(3) Is under the age of eighteen; and**

**(4) Is not eligible for work first program benefits under section 20 of this act because the child is not living with a parent or stepparent.**

**2. The amount of the monthly public assistance benefit payable hereunder shall be determined by the standards set forth in section 208.150, RSMo.**

**Section 15. Federal Title IV-E eligibility may be granted to a dependent child:**

**(1) Who would meet the requirements of aid to families with dependent children in effect as of June 1, 1995, except for his removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;**

**(2) For whose placement and care the division of family services is responsible;**

**(3) Who has been placed in a foster family home, or in either a for profit or nonprofit private child-care facility as a result of such determination; and**

**(4) Who:**

**(a) In and for the month in which court proceedings leading to such determination were initiated would have qualified for aid to families with dependent children under the requirements in effect on June 1, 1995, if application had been made therefor; or**

**(b) In the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have qualified for such aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.**

**Section 16. 1. The department is not prohibited by federal law from testing applicants or recipients of public assistance for the use of controlled substances or from sanctioning those who test positive for the use of such substances. Recipients of work first program benefits and food stamp recipients, who are required to participate in a work activity in order to retain their eligibility for such programs and who are denied**

**employment due to failing an employer-required controlled substance screening, shall have sixty days to become employed with the screening employer or obtain other employment.**

**2. (1) Denial of employment after failing a controlled substance screening and failure to become employed within sixty days of the screening shall result in a sanction of the work first program benefits and food stamp benefits for the household for a minimum of thirty days but not more than sixty days unless the department locates payment resources for drug rehabilitation.**

**(2) A second or subsequent denial of employment for failing a second or subsequent controlled substance screening and failure to become employed within sixty days of the screening shall result in a sanction of the work first program benefits and food stamp benefits for the household for a minimum of sixty days but not more than one hundred twenty days unless the department locates payment resources for drug rehabilitation.**

**3. All records obtained in an employer-required controlled substance screening, shall remain confidential between the applicant, the employer and the department.**

**4. An individual who has been convicted under federal or state law after August 22, 1996, of any felony offense which has as an element of the offense the possession, use, or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 USC 802(6), shall be sanctioned for a time period from receipt of benefits through any state program funded or carried out under Part A of Title IV of the Social Security Act or the Food Stamp Act of 1977.**

**5. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, may, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be sanctioned as determined by the department director or his designee, for some or all public assistance benefits for a period up to one year from the date of the administrative hearing.**

**6. The director shall promulgate rules to effectuate the provisions of this section.**

**Section 17. 1. A dependent child eighteen years of age shall, in order to retain eligibility for benefits through the work first program, be enrolled as a full-time student in a public or private secondary school, or an equivalent level of vocational or technical school.**

**2. Any sanction imposed by the department for a recipient's failure to comply with requirements of subsection 1 of this section shall continue until the minor child is attending school. Good cause exceptions to this requirement may be made by the department if there is substantial evidence that the action of the parent or caretaker presents a probability of serious harm to the parent or caretaker.**

**3. Prior to imposing a sanction, the department shall make a reasonable effort to resolve disputes when a recipient of benefits through the work first program fails to meet the program requirements. Reasonable efforts shall include a written notice to the recipient of an intent to sanction. The notice shall include actions the recipient may take to avoid sanctions, an offer to discuss barriers to participation and, if appropriate, alternative program provisions that may be incorporated in an individual responsibility plan.**

**Section 18. The department shall deny benefits through the work first program to or on behalf of:**

**(1) Any member of a family that includes an adult who has received benefits for sixty months or more, whether or not consecutive, through this program or any other state program that has been created and funded through the provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, after the date such state program has commenced unless:**

**(a) In any month during which benefits were provided to that individual he or she:**

**a. Was a minor child; and**

**b. Was not the head of household or married to the head of household;**

**(b) Benefits were provided to the individual during a month in which he or she lived on an Indian reservation or in an Alaskan Native village as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended; or**

**(c) The department elects to extend the period of eligibility for benefits for the individual and his or her family members;**

**(2) An individual who has been convicted in federal or state court of having made a fraudulent statement or representation with respect to his or her place of residence in order to receive benefits simultaneously from two or more states under programs that have been created and funded through The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Title XIX, the Food Stamp Act of 1977, the Supplemental Security Income Program under Title XVI, or any program under Title IV-D of the Social Security Act. The period of ineligibility shall begin on the date the individual was convicted of the offense and shall continue for ten years;**

**(3) An individual who:**

**(a) Is fleeing to avoid prosecution for custody or confinement after he or she has been convicted under any federal or state law of a crime which is a felony or, in the state of New Jersey, is a high misdemeanor; or**

**(b) Is violating a condition of probation or parole imposed under any federal or state law;**

**(4) An individual or on behalf of a minor child who has been or is expected by a parent or other caretaker relative to be absent from the home for such period of time as is designated by the department in Missouri's state plan filed pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;**

**(5) The parent or other relative caretaker of a minor child who fails to notify the department of the absence of a minor child from the home by the end of the fifth day after it becomes apparent to the parent or relative caretaker that the child will be absent from the home for the period of time established by the department of social services and referred to in subdivision (4) of this section;**

**(6) An individual who is a recipient of assistance through other specific state programs designated to provide supplemental aid;**

**(7) Any other individual who is precluded from receiving benefits in accordance with the provisions of The Personal Responsibility and Work Opportunity Act of 1996, as amended.**

**Section 19. Work first program benefits shall not be granted or continued:**

**(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;**

**(2) To any person who refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his capacity to support himself and his dependents, and it is certified by competent medical authority designated by the division of family services that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the division of family services may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he endangers the health of others in his refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;**

**(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need established by the department of social services. For the purposes of this subdivision, where consistent with federal law or regulation, "income" as established by the department of social services in conformance with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member, earnings of a student in school eighteen years of age or younger, child support assurance or earned income.**

**Section 20. 1. Except as otherwise provided in this section, benefits through work first program shall not be provided to an unmarried individual who has not attained the age of eighteen years if the individual:**

**(1) Has a minor child at least twelve weeks of age in his or her care and the individual has not successfully completed a high school education or a course of study resulting in a certificate of general equivalence unless the individual participates in:**

**(a) Educational activities directed toward the attainment of a high school diploma or a certificate of general equivalence; or**

**(b) An alternative educational or training program that has been approved by the department; or**

**(2) Is a single custodial parent of a child not residing in a home in which his or her parent(s), guardian(s), or adult relative(s) is also residing. Exceptions to this requirement shall be allowed in circumstances in which:**

**(a) The single custodial parent does not have a parent, legal guardian or other appropriate adult relative who is living or whose whereabouts are known;**

**(b) The single custodial parent does not have a parent, legal guardian, or other appropriate adult relative, who would otherwise meet applicable criteria to act as their legal guardian, who allows the single custodial parent to live in their home;**

**(c) The department determines that the single custodial parent or the minor child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the single custodial parent's own parent or legal guardian;**

**(d) The department determines that substantial evidence exists of an act or failure to act that presents an imminent or serious harm to the single custodial parent or the minor child if the single custodial parent and the minor child lived in the same residence with the individual's parent or legal guardian; or**

**(e) The department otherwise determines that it is in the best interest of the minor child to waive these requirements with respect to the single custodial parent or the minor child.**

**2. In circumstances in which the department determines that an individual does not have an appropriate living arrangement in accordance with subsection 1 of this section, the division shall assist the individual in obtaining a second chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. Thereafter, the division shall require the individual and any child who is in the care of the individual to reside in such home or other living arrangement as a condition of the individual's continued eligibility for benefits through the work first program.**

**Section 21. 1. Work activities for the work first program shall be those activities which are set forth in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, or those activities which are permitted under a federally approved waiver granted to the department of social services. The department shall promulgate such regulations as are necessary to implement and enforce work activities requirements, including waiver exemptions that are inconsistent with the requirements of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, or a federally approved waiver.**

**2. An individual who is a single parent head of household of one or more children of any age who is himself or herself not yet twenty years of age is deemed to be engaged in work for a month if the individual:**

**(1) Maintains satisfactory attendance, during the month, in a secondary school or a course of study leading to a certificate of general equivalence; or**

**(2) Participates in education directly related to employment.**

**3. he department shall establish a system of sanctions that shall be imposed regarding an individual's continued qualification for benefits through the work first program in circumstances in which the individual fails or refuses to cooperate in participating in work activities as set forth in this section. Such system of sanctions shall set forth the types of benefits for which a sanctioned individual will be disqualified and the period of time that such sanctioned individual will remain disqualified from receiving such benefits. The state shall reduce the amount of assistance otherwise payable to the family pro rata with respect to any period during a month in which the individual so refuses to engage in work requirements in accordance with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, subject to good cause and other exceptions as the state might establish. Imposition of such sanctions shall be subject to good cause and such other exceptions as are established by the department. However, sanctions may not be imposed for benefits**

**provided through the Medicaid for pregnant women program or the Medicaid for children program as set forth in section 208.151, RSMo. Notwithstanding the provisions of section 208.180, RSMo, the department may establish that an individual who has been sanctioned for any period of time for failure to cooperate with work activities requirements shall be able to receive benefits through the work first program only after he or she is in compliance on a monthly basis with work activities requirements.**

**Section 22. 1. The department of social services through the families work program shall establish the "Child Support Assurance Program". The child support assurance program shall provide benefits to children who meet specific eligibility requirements.**

**2. The department will aggressively collect child support and intensify its efforts consistently with the new child support requirements of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.**

**3. The state shall provide monthly child support assurance money payment benefits to needy children in all appropriate circumstances and it will also intensify its efforts to ensure that families obtain self-sufficiency.**

**4. In order to participate in the child support assurance program:**

**(1) The custodial parent shall be employed and have an earned, gross income that does not exceed one hundred percent of the federal poverty limit by household size;**

**(2) The department ascertains that the noncustodial parent has a legal order to pay child support;**

**5. The department shall design the necessary administrative procedures for the timely review of custodial parent earnings;**

**6. When a custodial parent is receiving a cash grant from the department to support the family, and the custodial parent begins and receives earnings from an employer, if the household has a legal order to establish child support, child support assurance shall be initiated for the children. When the household's earning exceeds the standard of need for cash assistance, they will transition to the below poverty level child support assurance.**

**7. If the funds at the disposal or which may be obtained by the department of social services for the payment of child support assurance program benefits shall at any time become insufficient to pay the full amount thereof, the amount of any payment to or on behalf of each of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.**

**Section 23. 1. Except as otherwise provided in this section, an adult receiving benefits through the work first program may fill a vacant employment position in order to engage in work activities. An adult receiving benefits through the work first program, who fills a vacant employment position in order to engage in work activities must be guaranteed a wage equivalent to that of the minimum wage.**

**2. A supplemental wage assistance employment position made available pursuant to this section may not be created as the result of, or may not result in, any of the following:**

**(1) Displacement or partial displacement of current employees, including but not limited to, overtime currently being worked by employees, a reduction in non-overtime work hours, wages or employment;**

**(2) The filling of positions which would otherwise be promotional opportunities for current employees;**

**(3) A strike, lock out or other bona fide labor dispute or violation of any existing collective bargaining agreements between employees and employers; or**

**(4) The filling of a position created by termination, layoff or reduction in workforce.**

**3. An individual who believes that he or she has been adversely affected by a violation of this subsection or the**

**organization that is duly authorized to represent the employee, shall be afforded an opportunity to grieve it. The employee or his/her organization must first attempt to remedy the alleged violation through a meeting with the employer within thirty days of the request for the meeting. If the complaint is not resolved to the satisfaction of the employee, he/she may appeal to the Missouri State Department of Labor and Industrial Relations. The hearing must be conducted in accordance with rules and notification requirements adopted by Missouri department of labor and a decision must be rendered within forty-five days of the hearing. If there is an existing grievance procedure in a collective bargaining agreement, it must be followed. Remedies shall include reinstatement, retroactive pay and benefits.**

**4. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection for employees from job displacement.**

**Section 24. 1. There is hereby established in each office of the department of social services which takes applications for work first assistance or joint office when co-located with another agency, a direct placement program. The department shall identify which case worker or case managers will participate in the program. Participation shall be voluntary. The case workers and case managers together with the office director or designee, shall identify employers or job vacancies which recipients may be referred to for interviews and possible employment.**

**2. Each self sufficiency pact shall identify a time when the recipient will be referred to the direct placement program. Any recipient referred to the direct placement program who refuses to go for or does not attend an interview established by a case worker or manager, or who refuses to accept a job offered by an employer, without good cause, shall be sanctioned according to the provisions of subsection 3 of section 21.**

**3. Each case worker participating in the direct placement program shall be eligible for a bonus plan, hereby established. The provisions of chapter 36, RSMo, to the contrary notwithstanding, each participating employee shall, subject to appropriations, receive a bonus of one hundred dollars for each successful recipient above the base rate. The maximum bonus paid during any fiscal year shall be two thousand dollars. The bonus shall be paid twice a year. The base rate shall be equal to twenty five percent of the persons, receiving cash assistance funded by the Missouri families work program, in the eligible employees average monthly case load over the previous twelve months but not less than ten. Successful recipients shall be those recipients of work first assistance who are employed at least thirty hours a week and have retained such employment for at least six months. The department may establish additional requirements relating to employee eligibility or measuring successful recipients, deemed necessary for successful operation of the bonus plan. The department shall request suggestions about the bonus plan from, but not limited to, employees, appropriate union associations or other associations such as the National Eligibility Association and the County Directors Association. The provisions of this subsection shall sunset sixty months following the effective date of this act.**

**Section 25. 1. The department shall establish "individual development accounts" whereby individuals receiving work first benefits may accumulate assets for specific purposes as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended. Any assets accumulated in an individual development account shall not be counted in determining eligibility or benefits for the purpose of work first program or any other cash assistance program operated pursuant to this section.**

**2. These accounts shall be used for the purpose of enabling individuals to accumulate funds for the following purposes:**

**(1) Post-secondary educational expenses;**

**(2) First home purchase; or**

**(3) Business capitalization.**

**3. The department of social services is authorized to propose rules and regulations necessary to implement this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.**

**Section 26. 1. A corporate taxpayer that pays for child care services in Missouri for dependent children of an employee of the taxpayer during the employee's hours of employment may claim a credit against the corporate income tax imposed pursuant to chapter 143, RSMo, in an amount equal to thirty percent of the total expenses, net of any reimbursements, for child care services incurred and paid by the taxpayer in the taxable year. This credit shall apply for those employees that have an annual gross income of twenty-one thousand dollars or less.**

**2. A corporate taxpayer that operates a child care facility in Missouri, in which at least fifty percent of the children attending the facility are the dependent children of the taxpayer's employees that have an annual gross income of twenty-one thousand dollars or less, may also claim a credit against the corporate income tax imposed pursuant to chapter 143, RSMo, in an amount equal to thirty percent of the net cost of operating a child care facility for the taxable year. If two or more taxpayers share in the cost of operating a child care facility primarily for the dependent children of the taxpayer's employees, that have an annual gross income of twenty-one thousand dollars or less, each corporate taxpayer shall be allowed a credit in relation to the taxpayer's share of the cost of operating the child care facility. Each corporate taxpayer's share of the tax credit shall be determined by dividing the number of the taxpayer's employees' children served by the total number of children served and multiplying the result by the net cost of operating the child care facility. The credit allowed pursuant to this subsection may be taken only if the child care facility is operated under the authority of a license issued by the department of health. For the purposes of this section, the term "net cost" means the cost of operating a child care facility less any amounts collected as fees for use of the facility, any federal tax credits with respect to the facility or its operation and any other payment or reimbursement from any other source other than the credit provided by this section.**

**3. For the purposes of this section, "dependent children" means natural, adopted, stepchildren, or wards who are under eighteen.**

**4. The credits provided for by subsections 2 and 3 of this section may only be deducted from the taxpayer's corporate income tax liability for the taxable year in which the expenditure occurred. The credit may not exceed thirty thousand dollars in any taxable year. If the credit amount exceeds the corporate income tax liability, the excess may be carried forward for three consecutive years; provided that in no event shall the annual credit amount exceed thirty thousand dollars.**

**5. The director of the department of social services shall determine, at least annually, which facilities in this state may be classified as child care facilities as defined in this section. The director of the department of social services may require of a facility seeking to be classified as a child care facility whatever information is reasonably necessary to make such a determination. The director of the department of social services shall classify a facility as a child care facility if such facility meets the requirements set forth in subsections 1 and 2 of this section.**

**6. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing for child care facilities in any one fiscal year shall not exceed five million dollars.**

**7. The department of social services shall evaluate and make recommendations regarding the necessity for the creation for other tax credits which may apply to:**

**(1) Costs paid or incurred by a corporate taxpayer for contributions used to provide child care for employees' children; and**

**(2) Cost paid or incurred by a corporate taxpayer for contributions used to provide after school, holiday and summer care programs for employees' children.**

**Section 27. 1. The department in conjunction with community colleges and vocational schools shall develop pilot programs utilizing a coordinated approach to enable people receiving public assistance to obtain an education that leads to permanent full-time employment with benefits while ensuring that they meet the work participation requirements under The 1996 Personal Responsibility and Work Opportunity Reconciliation Act.**

**2. At least one pilot program shall be established with a community college and at least one with a vocational school. The pilot programs shall include activities in which will count towards the work participation rate such as:**

**(1) Work/study employment;**

**(2) Cooperative work experience where students earn units of college credit for their work;**

**(3) Internships where students obtain practical work experience in the occupational field in which they are training;**

**(4) Community service programs where students perform community service work in their field of study while earning a stipend for future continued education; and**

**(5) Work opportunity agreements where students who participate in a work opportunity program with private**

**business are guaranteed employment in the field of their training at the successful completion of their education.**

**3. Community college and vocational school staff will coordinate services for students.**

**4. Subsidized child care will be provided while welfare recipients are attending college, vocational school and participating in work activities.**

**5. The department shall contract for independent evaluation of the pilot programs and report to the legislature annually.**

**Section 28. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.**

**5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.**"; and

Further amend said bill, Page 1, In the Title, Line 20, by striking the words "federal mandates for child support enforcement" and inserting in lieu thereof the words "The Personal Responsibility and Work Opportunity Reconciliation Act of 1996"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 2*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, by striking the following: "complying with federal mandates for child support enforcement" and inserting in lieu the following: "providing certain services to families"; and

Further amend said bill, page 40, section 451.040, line 9, by inserting immediately after said line the following:

"452.150. The father and mother living apart are entitled to an adjudication [of] **by** the circuit court as to their powers, rights and duties in respect to the custody and control and the services and earnings and management of the property of their unmarried minor children without any preference as between the said father and mother, and neither the father nor the mother has any right paramount to that of the other in respect to the custody and control or the services and earnings or of the management of the property of their said unmarried minor children; pending such adjudication the father or mother who actually has the custody and control of said unmarried minor children shall have the sole right to the custody and control and to the services and earnings and to the management of the property of said unmarried minor children. **The mere fact that one parent has actual custody of the minor children at the time of filing shall not create a preference for the court in its adjudication of custody and child support.**"; and

Further amend said bill, pages 43 to 48, section 452.340, by striking all of said section and inserting in lieu thereof the following:

"452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

(1) The financial needs and resources of the child;

(2) The financial resources and needs of the parents;

(3) The standard of living the child would have enjoyed had the marriage not been dissolved;

(4) The physical and emotional condition of the child, and his educational needs**; and**

**(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the physical and legal or physical or legal custody arrangements;**

**(6) The federal and state tax deductions, exemptions and credits associated with the child**.

2. [The obligation of the noncustodial parent to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the custodial parent has voluntarily relinquished physical custody of a child to the noncustodial parent, notwithstanding any periods of visitation or temporary custody pursuant to a decree of dissolution or legal separation or any modification thereof.] **The child support obligation of the parent ordered to pay child support shall abate, in whole or in part as ordered by the court or administrative body, and the court or administrative body may order the other parent to pay child support, during periods of visitation or temporary physical custody ordered by the court or voluntarily relinquished by the parent granted custody which totals thirty consecutive days or more.** In [an] **a** IV-D case, the division of child support enforcement [may] **shall** determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

(1) Dies;

(2) Marries;

(3) Enters active duty in the military;

(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or

(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, he is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue**, if the child continues to attend and satisfactorily progresses toward completion of said program,** until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school **or completion of a graduation equivalence degree** and so long as the child [continues to attend] **enrolls for and completes at least ten hours of classes each term at an** [such] institution of vocational or higher education **and achieves grades sufficient to re-enroll at such institution**, the parental support obligation shall continue until the child completes his education, or until the child reaches the age of twenty-two, whichever first occurs. **To remain eligible for such continued parental support, the child shall submit to each parent a transcript provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course.** If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly.

6. **At the parent's option, a parent may pay one-half of the college room, board, tuition, mandatory fees and book expenses of the child in lieu of child support during the months when a child attends school, if such child is enrolled as a full-time student and living away from the family residence for a majority of the school year, unless provisions for payment of college expenses are specified in the parenting plan or court order.**

**7. The general assembly finds and declares that it is the public policy of this state to assure children frequent, continuing and meaningful contact with both parents except for cases where the court specifically finds to the contrary. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner.** A court **with jurisdiction** may abate, in whole or in part, any future obligation of support [or] **and** may transfer the **physical and legal or physical or legal** custody of one or more children if it finds[:

(1)] that a [custodial] parent has, without good cause, failed to provide visitation or [temporary] **physical and legal or physical or legal** custody to the [noncustodial] **other** parent pursuant to the terms of a [decree] **judgment** of dissolution, legal separation or modifications thereof[; and

(2) That the noncustodial parent seeking relief is current in payment of all support obligations pursuant to the terms of a decree of dissolution, legal separation or modifications thereof]. The court may also award reasonable [attorney] **expenses, attorney's** fees **and court costs incurred by** [to] the prevailing party.

[7.] **8.** Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support [should] **shall** be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. **Not later than July 1, 1998, the child support guidelines shall be adjusted by the supreme court and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines including but not limited to how much visitation or temporary physical custody the parent ordered to pay child support is assumed to have.** Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every [four] **three** years to ensure that its application results in the determination of appropriate child support award amounts.

[8.] **9.** Beginning October 13, 1989, there shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection [7] **8** of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record **in a judicial or administrative proceeding** that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, **is required if requested by a party and** shall be sufficient to rebut the presumption in the case. **The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.**

[9.] **10.** Under this or any other chapter, when a court determines the amount owed by a parent for support provided to his child by another person prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection [7] **8** of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection [7] **8** of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount."; and

Further amend said bill, page 60, section 452.350, line 9, by inserting immediately after said line the following:

"452.355. 1. **Unless otherwise indicated,** the court from time to time after considering all relevant factors including the financial resources of both parties**, the merits of the case and the actions of the parties,** may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment**, or the court may order a reasonable amount for the cost of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees to be paid out of the marital or separate assets which are the subject of the proceedings**. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

2. n any proceeding in which the nonpayment of child support is an issue under the provisions of a temporary or permanent court order or decree, if the court finds that the obligor has failed, without good cause, to comply with such order or decree to pay the child support, the court shall order the obligor to pay a reasonable amount for the cost of the suit to the obligee, including sums for legal services. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

3. For purposes of this section, an "obligor" is a person owing a duty of support and an "obligee" is a person to whom a duty of support is owed.

4. For purposes of this section, "good cause" includes any substantial reason why the defendant is unable to pay the child support as ordered. Good cause does not exist if the defendant purposely maintains his inability

to pay."; and

Further amend said bill, page 60, section 452.370, lines 10 to 28, by striking all of said lines; and

Further amend said bill, page 61, section 452.370, lines 1 to 26, and inserting in lieu thereof the following:

"452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any decree respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance award, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she [cohabits] **resides**, and the earning capacity of a party who is not employed. If the application of the **child support** guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules** to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable**, if the existing amount was based upon the presumed amount under child support guidelines**.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, then the child support shall be determined in conformity with criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**.

3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child. The custodial parent shall have the duty to notify the noncustodial parent of the child's emancipation and failing to do so the custodial parent shall be liable to the noncustodial parent for child support paid**, plus interest,** to the custodial parent following emancipation of a minor child.

5. In any case wherein a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits under the aid to families with dependent children program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the motion. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement."; and

Further amend said bill and section, page 63, line 2, by inserting immediately after said line the following:

"452.375. 1. As used in this section, unless the context clearly indicates otherwise:

(1) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(2) "Joint physical custody" means an order awarding each of the parents significant periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent [and]**,** continuing **and meaningful** contact with both parents.

2. The court shall determine **physical and legal** custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to his **physical and legal or physical or legal** custody;

(2) The wishes of a child as to his **physical and legal or physical or legal** custodian;

(3) The interaction and interrelationship of the child with his parents, his siblings, and any other person who may significantly affect the child's best interests;

(4) The child's adjustment to his home, school, and community;

(5) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence has occurred, and, if the court also finds that awarding **physical and legal or physical or legal** custody to the abusive parent is in the best [interest] **interests** of the child, then the court shall enter written findings of fact and conclusions of law. **Physical and legal or physical or legal** custody and visitation rights shall be ordered in a manner that best protects the child and the

parent or other family or household member who is the victim of domestic violence from any further harm;

(6) The needs of the child for a continuing relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(7) The intention of either parent to relocate [his] **that parent's** residence outside the state **or more than fifty miles from the current residence of the child**; and

(8) Which parent is more likely to allow the child frequent**, continuing** and meaningful contact with the other parent.

3. The court shall not award **physical and legal or physical or legal** custody of a child to a parent if such parent has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim.

4. The general assembly finds and declares that it is the public policy of this state to assure children frequent**, continuing** and meaningful contact with both parents after the parents have separated or dissolved their marriage **except for cases where the court specifically finds to the contrary**, and that it is in the public interest to encourage parents to share decision-making rights and responsibilities of child rearing. In order to effectuate this policy, the court shall determine the **physical and legal or physical or legal** custody arrangement which will best assure that parents share such decision-making responsibility and authority and such frequent**, continuing** and meaningful contact between the child and each parent, as is indicated in the best interests of the child under all relevant circumstances.

5. Prior to awarding the appropriate **physical and legal** custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint **physical and joint legal** custody to both parents, **which shall be the preferred custodial arrangement and** which shall not be denied solely for the reason that one parent opposes a joint **physical and joint legal** custody award**. The burden of coming forward with evidence that joint physical and joint legal custody is not in the best interests of the child shall be upon the parent opposing an award of joint physical and joint legal custody. In the event the court finds that an award of joint physical and joint legal custody is not in the child's best interests, the court shall, if requested by a party, enter a written finding detailing the specific relevant factors that made an award of joint physical and joint legal custody not in the child's best interests and shall specify the custodial arrangements which the court finds are in the child's best interests**;

(2) Sole **physical and legal or physical or legal** custody to either parent; or

(3) Third party **physical and legal or physical or legal** custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a **physical and legal or physical or legal** custodian, or the welfare of the child requires, and it is in the best interests of the child, then **physical and legal or physical or legal** custody, temporary **physical and legal or physical or legal** custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards **physical and legal or physical or legal** custody, temporary **physical and legal or physical or legal** custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. Unless otherwise decreed, parents are obligated to exchange information with one another concerning the health, education and welfare of the child. In a decree of sole **legal** custody, a court may provide that parents shall confer with one another in the exercise of decision-making rights, responsibilities and authority. Upon a finding by the court that either parent has refused to exchange information with one another, which shall include but not be limited to the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay **to** the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to attorney's fees and court costs.

7. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

8. Any decree providing for joint **physical and joint legal** custody **or joint physical or joint legal custody** shall include a specific written plan setting forth the terms of such custody. Such plan may be suggested by both parents acting in concert, or one parent acting individually, or if neither of the foregoing occurs, the plan shall be provided by the court. The plan may include a provision for mediation of disputes**.** In all cases, the joint custody plan approved and ordered by the court shall be in the court's discretion **and shall be in the best interests of the child**.

9. Unless [a noncustodial] **the** parent **without physical custody** has been denied visitation rights under section 452.400, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to [a] **such** parent [because the parent is not the child's

custodial parent]. If [a noncustodial] **the** parent **without physical custody** has been granted restricted or supervised visitation because the court has found that the [custodial] parent **with physical custody** or the child has been the victim of domestic violence, as defined in section 455.200, RSMo, by the [noncustodial] parent **without physical custody**, the court may order that the reports and records made available pursuant to this subsection not include the address of the [custodial] parent **with physical custody** or the child.

10. If any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either [the custodial or noncustodial] parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

11. An award of joint **physical and joint legal** custody **or joint physical or joint legal custody** does not preclude an award of child support pursuant to section 452.340 **and applicable supreme court rules**. The court shall consider the factors contained in section 452.340 **and applicable supreme court rules** in determining an amount reasonable or necessary for the support of the child.

12. If the court finds that domestic violence has occurred, the court shall make specific findings of fact to show that the **physical and legal or physical or legal** custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm.

**13. A non-custodial parent, grandparent or great grandparent who was convicted of an illegal sex act under chapter 566, RSMo, or section 568.020, RSMo, against a victim under the age of eighteen (18) shall not be allowed visitation until the offender is discharged from incarceration, parole or mandatory supervised release and the offender successfully completes a treatment program approved by the court.**

452.377. A person entitled to the custody of a child shall not [change] **relocate** the residence of the child to another state**,** or remove the child from this state for a period of time exceeding ninety days**, or relocate the residence of the child more than fifty miles from the current residence of the child** except upon order of the court or with the written consent of the [parties] **persons** with **physical and legal or physical or legal** custody or visitation rights. Where [the noncustodial] **a** person has been given **physical and legal or physical or legal custody or** visitation rights by the custody decree, such court permission may be granted only after notice to the person having [visitation] **such** rights and after opportunity for hearing. **When addressing the issue of relocation, the court shall consider all relevant factors including but not limited to:**

**(1) Is the relocation in the best interest of the child in relation to each parent;**

**(2) Will the relocation unreasonably interfere with any person's physical and legal or physical or legal custody or visitation rights; and**

**(3) Is there an agreement and plan to continue a relationship with the other parent.**

Violation of **the provisions of this section or** a court order under this section [may] **shall** be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree.

452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. [The court shall define the noncustodial parent's visitation periods in detail at the request of either party.] **The court shall enter an order specifically detailing the visitation or temporary physical custody rights of the parent without physical custody.** In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim. The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court**, if requested by a party,** shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes

place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by both [the custodial parent] **parents** and the child. [In the event of noncompliance,] **If a parent has been granted visitation rights or physical and legal or physical or legal custody rights or temporary physical custody rights, and such rights are denied or interfered with by the other parent,** the [noncustodial] parent **having visitation or physical and legal or physical or legal custody rights or temporary physical custody rights** may file a motion for contempt[.] **or a motion for a family access order. The motion for a family access order may be made on a simple verified pro se form which shall be supplied by the clerk of the court and which shall not require the assistance of legal counsel. The cost of filing such motion shall be the standard court cost for such a filing plus a thirty-five dollar family access fee. Upon filing the motion, the presiding judge shall immediately assign a circuit, associate circuit or family court judge or commissioner to hear the motion.**

**4. The assigned court, upon good cause shown, shall immediately issue an order to show cause, unless there is a pending motion alleging that a family access order is not in the best interest of the child and will endanger the child's physical health or impair the child's emotional development, and shall set a time and place for hearing on the order to show cause which shall not be more than fourteen days after the service of the motion for a family access order and order to show cause.**

**5.** Upon a finding by the court **pursuant to a motion for a family access order** that its order for visitation **or physical and legal or physical or legal custody or temporary physical custody** has not been complied with, without good cause, the court shall [define the noncustodial parent's visitation in detail and shall exercise its discretion in providing] **provide** a remedy, which shall include, but not be limited to, a compensatory period of visitation or [temporary] **physical** custody at a time convenient for the [noncustodial] parent **denied visitation or temporary physical custody or physical custody** not less than the period of time denied, [together with] **and if requested by a party** a **mandatory** judgment in an amount not less than the reasonable expenses**, attorneys fees and court costs actually** incurred by the [noncustodial] parent as a result of **the** denial of visitation **or physical and legal or physical or legal custody or temporary physical custody**. **Such order may include a provision that the sheriff or other law enforcement officer shall enforce the rights of either parent to custody or visitation, as the case may be, unless the court issues a subsequent order pursuant to chapters 210, 211 or 455, RSMo, to limit or deny either parent's access to the child.**

[4.] **6.** The **reasonable expenses,** attorney's fees and **court** costs of a proceeding to enforce visitation **or physical and legal or physical or legal custody** rights shall**, if requested by a party,** be assessed against the parent who [unreasonably]**, without good cause,** denies or interferes with visitation **or physical and legal or physical or legal custody or temporary physical custody**. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

**7. In no case shall final disposition of a motion for a family access order filed pursuant to this section take place more than sixty days after the service of such motion. Final disposition shall not include appellate review.**

**8. The intentional denial or interference with visitation or physical and legal or physical or legal custody or temporary physical custody of a child from the other parent, without good cause, shall constitute a change of circumstances which may justify a modification of custody.**

**9. For purposes of supreme court rule 51, motions filed pursuant to this section shall not be deemed to be an independent civil action if the judge or commissioner designated to rule on the motion is the same judge or commissioner that entered the order which is the subject of a motion for a family access order or contempt.**

**10. A violation of the terms and conditions of a family access order shall be a class A misdemeanor, unless the person has twice previously plead guilty to or been found guilty of violating a family access order within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony.**

**452.401. 1. The family access fee of thirty-five dollars established in section 452.400 shall be charged and collected by every clerk of the court in this state. The court may waive such fee, in whole or in part, upon motion of the party and for good cause shown. Twenty-five dollars of such fee shall be forwarded monthly by each clerk of the court to the state director of revenue, and the fees so forwarded shall be deposited by the director of revenue in the state treasury into the Missouri family access fund as designated in subsection 2 of this section. Ten dollars of such fee shall remain with the court to cover court costs associated with the filing of the motion.**

**2. "The Missouri Family Access Fund" is hereby established in the state treasury. At least quarterly, the state treasurer shall allocate moneys in the Missouri family access fund to the state court administrator for disbursement as directed in this section. Moneys deposited into the fund shall include the designated funds received from the pro se fee established in section 452.400, and any other amounts which may be received from grants, gifts, bequests, the state or federal government, or any other source. Moneys in the fund shall be devoted to the payment of expenditures associated with the review of child support guidelines and to costs associated with the increase in new causes of actions involving custody and visitation issues.**

**3. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.**

452.405. 1. Except as otherwise **ordered by the court or** agreed by the parties in writing at the time of the custody decree, the **legal** custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing[,] finds, upon motion by the [noncustodial] parent **without legal custody**, that in the absence of a specific limitation of the **legal** custodian's authority the child's physical health would be endangered or his emotional development impaired.

**2. The legal custodian shall not exercise legal custody in such a way as to detrimentally impact the other parent's visitation or physical and legal or physical or legal custody rights.**

[2.] **3.** The court may order the county welfare office or the county juvenile officer to exercise continuing supervision over the case.

452.411. If either parent of a child changes his residence to another state, such change of residence of the parent shall be deemed a change of circumstances under section 452.410, allowing the court to modify a prior **physical and legal or physical or legal** custody decree.

452.416. 1. Notwithstanding any other provision of law to the contrary, whenever a parent in emergency military service has a change in income due to such military service, such change in income shall be considered a change in circumstances so substantial and continuing as to make the terms of any order or judgment for child support or visitation unreasonable.

2. Upon receipt of a notarized letter from the commanding officer of a noncustodial parent in emergency military service which contains the date of the commencement of emergency military service and the compensation of the parent in emergency military service, the director of the division of child support enforcement shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

3. Upon return from emergency military service the parent shall notify the director of the division of child support enforcement who shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules**. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

4. As used in this section, the term "emergency military service" means that the parent is a member of a reserve unit or national guard unit which is called into active military duty for a period of more than thirty days.

452.600. **1.** The circuit courts [of the fifth, sixth, twenty-third, twenty-ninth, thirtieth, thirty-first and thirty-eighth judicial circuits], by local rule, [may] **shall** establish a program of educational sessions for parties to actions for dissolution of marriage or in postjudgment proceedings involving custody or support, concerning the effects of dissolution of marriage on minor children of the marriage. In lieu of establishing such a program, the circuit court may, by local rule, designate a similar program of educational sessions offered by a private or public entity.

**2. By July 1, 1998, the Missouri supreme court shall have in effect guidelines for the program of educational sessions. The reasonable expenses of the educational sessions shall be paid by the parties.**

452.605. In an action for dissolution of marriage involving minor children, or in a postjudgment proceeding wherein custody [or support] of minor children is to be determined by the court, [the court may on its own motion] **the court shall, except for good cause,** order the parties, including the minor children, to attend educational sessions concerning the effects of **custody and the** dissolution of marriage on children[, if the court finds that doing so would be in the best interests of the minor children]. **As used in this section "good cause" includes, but is not limited to, situations where the parties have stipulated to the legal and physical custody of the child or where the safety of a party or child may be endangered by attending the educational sessions.**"; and

Further amend said bill, page 104, section 454.496, line 25, by striking the following: "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable court rules**"; and further amend line 28, by striking the following: "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend said bill and section, page 105, line 8, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend said bill and section, page 105, lines 11 & 12, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and further amend lines 25 & 26, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend said bill and section, page 106, line 4, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "**section 452.340 and applicable supreme court rules**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 4*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, Page 130, Section 454.516, Line 21 of said page, by inserting before all of said line the following:

454.516. 1. The director **or IV-D agency** may cause a lien pursuant to subsection 2 of this section or the obligee may cause a lien pursuant to subsection 9 of this section for unpaid and delinquent child support to be placed upon motor vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in the name of a delinquent child support obligor, if the title to the property is held by a lienholder.

2. The director **or IV-D agency** shall notify the department of revenue with the required information necessary to impose a lien [under] **pursuant to** this section by filing a notice of lien, and the department of revenue shall notify the lienholder of the existence of such lien.

3. The department of revenue shall not register the lien unless:

(1) The director of revenue or [his] **the director's** designee determines that the obligor has unpaid child support which exceeds one thousand dollars;

(2) The property has a value of more than three thousand dollars as determined by current industry publications that provide such estimates to dealers in the business, and the property's year of manufacture is within seven years of the date of filing of the lien except in the case of a motor vehicle that has been designated a historic vehicle;

(3) The property has no more than two existing liens for child support;

(4) The property has had no more than three prior liens for child support in the same calendar year.

4. In the event that a lien is placed and the obligors total support obligation is eliminated, the director shall notify the department of revenue that the lien shall be removed.

5. Upon notification by the director that a lien exists pursuant to this section, the department of revenue shall send a sticker of impaired title in an envelope which says prominently "important legal document" to the lienholder. Such sticker shall contain the type and model of the property, the serial number of the property and the identification number of the obligor **and shall be properly affixed to the certificate of title by the lienholder**.

6. Upon notification by the director that the lien shall be removed pursuant to subsection 4 of this section, the department of revenue shall send a void sticker to the lienholder **and such void sticker shall be properly affixed to the certificate of title by the lienholder covering the impaired sticker**. Such sticker shall contain the type and model of the property, the serial number of the property and the identification number of the obligor.

7. When a lienholder has received notice of a lien created by the division [under] **or IV-D agency pursuant to** this section and the obligor thereafter satisfies the debt to that lienholder, the lienholder shall mail to the division **or IV-D agency** the certificate of ownership on the motor vehicle, motor boat, outboard motor, manufactured home or trailer. The division **or IV-D agency** may hold the certificate of ownership until the child support obligation is satisfied, or levy and execute on the motor vehicle, motor boat, outboard motor, manufactured home or trailer and sell same, at public sale, in order to satisfy the debt. **A lienholder shall inform dealers in the business of motor vehicles, motor boats, manufactured homes and trailers, upon request, of the existence or nonexistence of a lien imposed by the division pursuant to this section.**

8. A good faith purchaser for value without notice of the lien or a lender without notice of the lien takes free of the lien.

9. In cases which are not IV-D cases, [as defined in section 452.345, RSMo,] to cause a lien pursuant to the provisions of this section the obligee or [his] **the obligee's** attorney shall file notice of the lien with the lienholder or payor. This notice shall have attached a certified copy of the court order with all modifications and a sworn statement by the obligee or a certified statement from the court attesting to or certifying the amount of arrearages.

*Senate Amendment No. 5*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, Page 28, Section 288.250, Line 8, by inserting immediately before the words "In addition" the following words: "**Further, upon receipt of a written request from a claimant or his or her authorized representative, the division shall supply information previously submitted to the division by the claimant, the claimant's wage history and the claimant's benefit payment history**",

and further amend said bill, Page 28, Section 288.250, Line 10, by inserting immediately after the word "information" the words "**previously submitted to the division by the employing unit, and information**."

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 411, Page 193, Section 454.1018, Line 28, by striking all of said line; and

Further amend, Page 194, same section, Lines 1-3, by striking all of said lines and inserting in lieu thereof the following:

"**to 454.1025. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including but not limited to section 536.028 RSMo., if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, page 197, section 536.028, by striking all of said section; and

Further amend said bill, page 206, section 5, line 6, by inserting immediately after all of said line the following:

"**Section 6. 1. In any action challenging any rule promulgated pursuant to the provisions of this bill, the agency as defined in section 536.010 promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.**

**2. The court shall award reasonable fees and expenses as defined in section 536.085 to any party who prevails in such action.**

**3. All rules promulgated pursuant to the provisions of this section shall expire on August 28 of the year after the year in which the rule became effective unless the General Assembly extends by statute the rule or set of rules beyond that date to a date specified by the General Assembly.**

**4. Any rulemaking authority granted pursuant to the provisions of this bill is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.**

**5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024 has been signed into law prior to the effective date of this act.**"; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 7*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, Page 206, Section 5, Line 6 of said page, by inserting immediately after said line the following:

"**Section 6. In any court proceeding regarding the physical and legal custody of a child, the court shall not make a custody determination based upon the choice of education chosen for such child by the child's custodial parent or parents or legal guardian. The court shall not order the custodial parent or guardian to enroll the child in any school other than the school chosen by such custodial parent or legal guardian in compliance with state law.**"; and

Further amend the title and enacting clause accordingly.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SS HCR 21**.

SENATE SUBSTITUTE

FOR

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the lack of adequate office space for legislators and staff along with the lack of adequate facilities to conduct hearings, meetings and other legislative functions at our State Capitol has been an issue of major and growing concern for many years; and

WHEREAS, in 1995, Sverdrup Facilities Corporation and its consultants published a comprehensive *State Office Space Study and Master Plan* after having been requested by the State of Missouri Office of Administration to develop a strategic plan for accommodating space needs for non-institutional offices statewide through Fiscal Year 2004; and

WHEREAS, one of the primary goals of this strategic plan was to address those issues which inhibit the efficient delivery of government services to the citizens of the state; and

WHEREAS, in this *State Office Space Study and Master Plan*, a specific reference to the State Capitol declared "The State Capitol Building, with the exception of the Senate and House chambers, is suffering from many ill-conceived renovations and overcrowding", and "Many spaces are poorly ventilated, lighted and appointed creating an uncomfortable and unsophisticated office environment"; and

WHEREAS, one short-term measure that has been implemented to address the problem of inadequate facilities at the Capitol is the appropriation of significant sums of money for the renovation of existing offices that are much too small and crowded to begin with, and which can gain relatively little in the way of becoming more livable and functional after the expenditure of this money; and

WHEREAS, legislators and their staff deserve to work in a safe, comfortable, and adequately-spaced office environment in order to provide the most efficient and effective service possible for the people of Missouri; and legislators, staff, and private citizens are entitled to conduct state business in a safe and comfortable environment when meeting in the various hearing rooms and committee rooms within our State Capitol; and

WHEREAS, expedient measures need to be implemented to provide effective short-term solutions for the problem of overcrowding at the State Capitol; and

WHEREAS, Section 8.460, Revised Statutes of Missouri, subsection 1, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the general assembly deems necessary to provide adequate space for its members"; and

WHEREAS, Section 8.015, Revised Statutes of Missouri, gives the Senate Administration Committee exclusive control over the Senate Chamber, the Senate Committee rooms, the offices of the members of the Senate at

the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the Senate, and states that "No use of any of said quarters other than by the Senate, its members or officers shall be made except with the written consent of the Senator or officer occupying the office rooms and upon the order of the accounts committee"; and

WHEREAS, Section 8.017, Revised Statutes of Missouri, gives the House Committee on Accounts, Operation and Finance exclusive control over the House Chamber, the House Committee rooms, the offices of the members of the House at the State Capitol, and all other rooms and offices of the State Capitol designed for or assigned by the Board of Public Buildings to the use of the members and officers of the House, and states that "No use of any of said quarters other than by the House, its members or officers shall be made except with the written consent of the Representative or officer occupying the office rooms and upon the order of the accounts committee":

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, the Senate concurring therein, that pursuant to the provisions of section 8.460, RSMo, the Board of Public Buildings be advised to reassign offices in the Capitol, presently occupied or under the control of the executive branch except for those offices now assigned to the Governor and his immediate staff and the Lieutenant Governor and his immediate staff, to the House Accounts, Operation and Finance Committee and Senate Administration Committee, and further assert the right to reserve any and all of these rooms and facilities for the exclusive use of legislators and legislative staff; and

BE IT FURTHER RESOLVED that an examination of space available within the Capitol be given first priority by the House Accounts, Operations and Finance Committee, the Senate Administration Committee and the Office of Administration; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Administration, each member of the Board of Public Buildings, the House Committee on Accounts, Operation and Finance, and for the Senate Administration Committee.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 51**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS SS SB 97 as amended**, and has taken up and passed **HS SS SB 97 as amended CCR**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SB 248 as amended**: Senators Schneider, Wiggins, Maxwell, Ehlmann and Klarich.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HBs 641 & 593 as amended** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators McKenna, House, Caskey, Mueller and Bentley.

**MOTION**

Representative Dougherty moved that the House refuse to adopt **SS HCS HB 411, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference and that the conferees be allowed to exceed the differences.

Representative Shields requested a division of the Motion.

Part I

Senate recede from its position or, failing to do so grant the House a conference.

Part II

Conferees be allowed to exceed the differences.

On motion of Representative Dougherty, Part I of motion was adopted.

On motion of Representative Dougherty, Part II of motion was adopted by the folllowing vote:

AYES: 078

Auer Backer Barry 100 Bauer Bland
Boucher Campbell Carter Clayton Copeland
Crump Daniel 42 Daniels 41 Davis 63 Davis 122
Days DeMarce Dougherty Farmer Farnen
Fitzwater Foley Ford Franklin Fritts
Goward Graham 24 Green Gunn Hagan-Harrell
Harlan Heckemeyer Hickey Hollingsworth Hosmer
Johnson Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Liese
Luetkenhaus Lumpe May 108 Mays 50 McBride
Monaco Murray O'Connor O'Toole Overschmidt
Parker Ransdall Relford Rizzo Scheve
Schilling Seigfreid Shear Shelton 57 Smith
Stokan Stoll Stroker Tate Thomason 163
Treadway Troupe Van Zandt Wiggins Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 074

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Champion Chrismer Cierpiot Cooper Crawford
Dolan Donovan Edwards-Pavia Elliott Enz
Evans Foster Froelker Gaskill Gaston
Gibbons Graham 106 Griesheimer Gross Hall
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin
Holand Howerton Kasten Kauffman Kelley 47

Legan Levin Linton Lograsso Long

Loudon Marble McClelland Merideth Miller

Murphy Naeger Nordwald Ostmann Patek

Pouche Pryor Purgason Reinhart Richardson

Ridgeway Robirds Ross Schwab Scott

Secrest Sheldon 104 Shields Steen Summers

Surface Townley Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 011

Bonner Bray 84 Gratz Hand Hoppe

McLuckie Reynolds Sallee Skaggs Thompson 37

Vogel

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**SENATE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 97**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for Senate Substitute for Senate Bill No. 97, with House Amendment Nos. 1, 2, 3 and 4; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2;

2. That the Senate recede from its position on House Substitute for Senate Substitute for Senate Bill No. 97, with House Amendment Nos. 1, 3 and 4;

3. That the attached Conference Committee Amendment No. 1 be adopted;

4. That House Substitute for Senate Substitute for Senate Bill No. 97, with House Amendment Nos. 1, 3 and 4 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Timothy Green /s/ John Schneider

/s/ Kelly Parker /s/ Harry Wiggins

/s/ Don Kissell /s/ Wayne Goode

/s/ Laurie Donovan /s/ Steve Ehlmann

/s/ Jim Murphy /s/ David Klarich

*Conference Committee Amendment No. 1*

AMEND House Substitute for Senate Substitute for Senate Bill No. 97, Page 1, Section A, Line 12, by inserting immediately after said line the following:

610.105. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided in section 610.120. **If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo, in the manner established by section 610.120.**"; and

Further amend the title and enacting clause accordingly.

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 390**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Substitute for House Bill No. 390, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Bill No. 390;

2. That the House recede from its position on House Bill No. 390;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ James Foley /s/ Ed Quick

/s/ Craig Hosmer /s/ Morris Westfall

/s/ Marilyn Edwards-Pavia /s/ Sam Graves

/s/ Thomas Hoppe /s/ Bill McKenna

/s/ John E. Griesheimer

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NOs. 69 & 179**

**AND**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 669**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179 and House Committee Substitute for House Bill No. 669 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 69 & 179 and House Committee Substitute for House Bill No. 669, as amended by Senate Amendment Nos. 2, 3, 5, 8 & 9;

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill Nos. 69 & 179 and House Committee Substitute for House Bill No. 669;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Craig Hosmer /s/ John Schneider

/s/ David Reynolds /s/ Harold Caskey

/s/ Carol Stroker /s/ Wayne Goode

/s/ Bill Alter /s/ Steve Ehlmann

/s/ Larry Crawford /s/ David Klarich

**CONFERENCE COMMITTEE REPORT NO. 3**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NOS. 600 & 388**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for House Bill Nos. 600 & 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for House Bill Nos. 600 & 388, with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2 and Senate Amendment No. 1;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 600 & 388;

3. That the attached Conference Committee Substitute No. 2, for House Committee Substitute for House Bill Nos. 600 & 388, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Paula Carter /s/ Jerry T. Howard

/s/ Tim Harlan /s/ William L. Clay

/s/ Bill Luetkenhaus /s/ J. B. Banks

/s/ Mary Lou Sallee /s/ Betty Sims

/s/ Chuck Wooten David Klarich

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 491**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Bill No. 491, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 491, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended by Senate Amendment No. 3 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 7 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 11 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 12 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1 and Senate Amendment No. 15 to Senate Substitute Amendment No. 1 for Senate Amendment No. 1; Senate Substitute Amendment No. 1 for Senate Amendment No. 2 as amended by Senate Amendment No. 1 to Senate Substitute Amendment No. 1 for Senate Amendment No. 2; Senate Amendment No. 3; Senate Amendment No. 4; Senate Amendment No. 5; Senate Amendment No. 8; and Senate Amendment No. 9;

2. That the House recede from its position on House Bill No. 491;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 491, be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Steve Gaw /s/ J. B. Banks

/s/ Nancy Farmer /s/ John E. Scott

/s/ May Scheve /s/ Jim Mathewson

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE BILL No. 811**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for House Substitute for House Bill No. 811, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Amendment No. 4 and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Substitute for House Bill No. 811, as amended;

2. That the House recede from its position on House Substitute for House Bill No. 811;

3. That the attached Conference Committee Substitute for House Bill No. 811 be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Scott B. Lakin /s/ Ed Quick

/s/ Sheila Lumpe /s/ Danny Staples

/s/ Patrick Dougherty /s/ Harold Caskey

/s/ Emmy McClelland /s/ Betty Sims

/s/ Laurie Donovan

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 121**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, with House Amendment No. 1, House Amendment No. 1 to Part 2 of the House Substitute, House Amendment No. 2 to Part 2 of the House Substitute, House Substitute Amendment No. 2 for House Amendment No. 4 to Part 2 of the House Substitute and House Substitute and House Substitute Amendment No. 1 for House Amendment No. 3; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 121, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 121;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for

Senate Substitute for Senate Bill No. 121 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Deleta Williams /s/ Harold Caskey

/s/ Phil Smith /s/ Phil Curls

/s/ Craig Hosmer /s/ Harry Wiggins

/s/ Cindy Ostmann Sam Graves

/s/ Laurie Donovan /s/ Betty Sims

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 248**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Bill No. 248, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendment Nos. 9, 10, and 11; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 248;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 248;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 248 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Brian May /s/ John D. Schneider

/s/ Jim O'Toole /s/ Harold Caskey

/s/ Karl DeMarce /s/ Joe Maxwell

/s/ Luann Ridgeway /s/ Steve Ehlmann

/s/ Patrick Naeger /s/ David J. Klarich

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE BILL NO. 358**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Bill No. 358, with House Committee Amendment Nos. 1, 2, & 3 and House Amendment Nos. 1, 2, & 3; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have

agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 3;

2. That the Senate recede from its position on House Committee Amendment Nos. 1, 2, & 3 and House Amendment Nos. 1 & 2;

3. That Senate Bill No. 358, with House Committee Amendment Nos. 1, 2, & 3 and House Amendment Nos. 1 & 2, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Bill Gratz /s/ Phil Curls

/s/ Bill Luetkenhaus /s/ Jerry T. Howard

/s/ Patrick Dougherty /s/ Ken Jacob

/s/ John Griesheimer /s/ Betty Sims

/s/ Vicky Hartzler (124) /s/ Larry Rohrbach

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE SUBSTITUTE**

**FOR**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 259**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Bill No. 259, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 259;

2. That the House recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 259;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE: FOR THE SENATE:

/s/ Chris Liese /s/ Phil B. Curls Jr.

/s/ Tim Bauer /s/ James Mathewson

/s/ Tim VanZandt /s/ Wayne Goode

/s/ Franc Flotron

/s/ Larry Rohrbach

**MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE

State of Missouri

TO THE CHIEF CLERK OF THE

HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

89TH GENERAL ASSEMBLY

STATE OF MISSOURI

Herewith I return to you House Bill No. 713 entitled:

"AN ACT"

Relating to disposition of a stillborn child, with penalty provisions.

On May 15, 1997, I approved said House Bill No. 713.

Respectfully submitted

/s/ Mel Carnahan

Governor

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 9:00 a.m., Friday, May 16, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Seventy-Second Day, Wednesday, May 14, 1997, page 2005, roll call, by showing Representatives Alter, Kelly (27), Loudon and Marble voting "aye" rather than "absent with leave".

Pages 2018 and 2019, roll call, by showing Representatives Davis (63) and Fitzwater voting "aye" rather than "absent with leave".

Page 2020, roll call, by showing Representatives Bartelsmeyer, Long, Loudon and Naeger voting "no" rather than "absent with leave".

Page 2024, roll call, by showing Representatives Reinhart, Ridgeway and Sallee voting "aye" rather than "absent with leave".

Page 2024, roll call, by showing Representative Donovan voting "no" rather than "absent with leave".

Pages 2031 and 2032, roll call, by showing Representatives Davis (63), Griesheimer and Thomason (163) voting "aye" rather than "absent with leave".

Pages 2032 and 2033, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

Pages 2035 and 2036, roll call, by showing Representatives Hosmer and Kissell voting "aye" rather than "absent with leave".

Page 2072, roll call, by showing Representatives Kelly (27), Kreider and Long voting "aye" rather than "absent with leave".

Page 2073, roll call, by showing Representative Kelly (27) voting "no" rather than "absent with leave".

Pages 2074 and 2075, roll call, by showing Representatives Barnett (4), Enz, Hosmer, Long and Williams (121) voting "aye" rather than "absent with leave".

Pages 2074 and 2075, roll call, by showing Representatives Akin, Gaston and Hartzler (124) voting "no" rather than "absent with leave".

Pages 2075 and 2076, roll call, by showing Representatives Akin, Barnett (4), Hartzler (124), Hosmer and Long voting "aye" rather than "absent with leave".

Pages 2076 and 2077, roll call, by showing Representatives Akin, Barnett (4), Hartzler (124) Hosmer and Williams (121) voting "aye" rather than "absent with leave".

Page 2126, roll call, by showing Representatives Holand, Kelly (27) and Parker voting "aye" rather than "absent with leave".

Pages 2127 and 2128, roll call, by showing Representatives Gibbons, Hosmer, Long and Sallee voting "aye" rather than "absent with leave".

Pages 2128 and 2129, roll call, by showing Representatives Long and Sallee voting "aye" rather than "absent with leave".

Pages 2129 and 2130, roll call, by showing Representatives Ballard, Sallee and Stokan voting "aye" rather than "absent with leave".

Pages 2131 and 2132, roll call, by showing Representatives Days, Long and Parker voting "aye" rather than "absent with leave".

Pages 2132 and 2133, roll call, by showing Representatives Barry (100), Kelly (27), Long and Patek voting "aye" rather than "absent with leave".

Pages 2132 and 2133, roll call, by showing Representative Secrest voting "no" rather than "absent with leave".

Page 2134, roll call, by showing Representatives Bonner, Fitzwater, Gaston, Gross and Kelly (27) voting "aye" rather than "absent with leave".

Pages 2134 and 2135, roll call, by showing Representatives Bartelsmeyer, Berkstresser, Bonner, Luetkenhaus and Sallee voting "aye" rather than "absent with leave".

Pages 2136 and 2137, roll call, by showing Representatives Carter, Kelly (27), Kreider and Long voting "aye" rather than "absent with leave".

Pages 2137 and 2138, roll call, by showing Representative Kelly (27) voting "no" rather than "absent with leave".

Pages 2137 and 2138, roll call, by showing Representative Goward voting "aye" rather than "no".

Page 2140, roll call, by showing Representatives Dolan and Hendrickson voting "aye" rather than "absent with leave".

Page 2141, roll call, by showing Representatives Dolan, Hohulin, Kelly (27) and Kreider voting "aye" rather than "absent with leave".

Pages 2142 and 2143, roll call, by showing Representative Luetkenhaus voting "aye" rather than "absent with leave".

Pages 2143 and 2144, roll call, by showing Representatives Edwards-Pavia, Luetkenhaus and Reynolds voting "aye" rather than "absent with leave".

Pages 2144 and 2145, roll call, by showing Representatives Fitzwater, Luetkenhaus, Thomason (163) and Williams (121) voting "aye" rather than "absent with leave".

Pages 2145 and 2146, roll call, by showing Representative Ross voting "aye" rather than "absent with leave".

Page 2146, roll call, by showing Representatives Kelly (27) and Stokan voting "aye" rather than "absent with leave".

Page 2147, roll call, by showing Representative Richardson voting "aye" rather than "absent with leave".

Page 2148, roll call, by showing Representative Dolan voting "aye" rather than "absent with leave".

Page 2148, roll call, by showing Representative Campbell voting "no" rather than "absent with leave".

Pages 2149 and 2150, roll call, by showing Representatives Dolan and Long voting "no" rather than "absent with leave".

Page 2151, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 2154 and 2155, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 2156 and 2157, roll call, by showing Representative Long voting "no" rather than "absent with leave".

Pages 2163 and 2164, roll call, by showing Representatives Kelly (27), Long and Thomason (163) voting "no" rather than "absent with leave".

Pages 2163 and 2164, roll call, by showing Representatives Gross, O'Toole and Richardson voting "aye" rather than "absent with leave".

Page 2165, by inserting after line 17 the following: " Pages 1987 and 1988, roll call, by showing Representative Howerton voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

CIVIL AND ADMINISTRATIVE LAW

Tuesday, May 6, 1997, 8:00 am. Hearing Room 1. Executive session may follow.

To be considered - SJR 14, SB 386

CRIMINAL LAW

Tuesday, May 6, 1997, 8:30 am. Hearing Room 5. Executive session.

CRITICAL ISSUES

Monday, May 5, 1997, 8:00 pm. Hearing Room 7. Executive session may follow.

AMENDED NOTICE

To be considered - SB 319, SB 225

ELECTIONS

Tuesday, May 6, 1997. Hearing Room 7 upon evening adjournment.

To be considered - SJR 13

JOINT COMMITTEE ON WETLANDS

Monday, May 5, 1997, 11:00 am. Hearing Room 7. Planning meeting.

LABOR

Tuesday, May 6, 1997, 8:00 pm. Hearing Room 8.

To be considered - HR 621

MUNICIPAL CORPORATIONS

Wednesday, May 7, 1997. Hearing Room 7 upon morning adjournment. Executive session.

To be considered - SB 466

RULES, JOINT RULES, BILLS PERFECTED AND PRINTED

Tuesday, May 6, 1997. Hearing Room 7 upon noon adjournment. Executive session.

To be considered - SB 320

WAYS AND MEANS

Monday, May 5, 1997. Side gallery upon adjournment. Executive session.

**HOUSE CALENDAR**

SEVENTY-FOURTH DAY, FRIDAY, MAY 16, 1997

**HOUSE BILLS FOR PERFECTION**

1 HCS HB 595 - Koller

2 HB 57, as amended, HA 3, pending, - Shear

3 HB 267 - Overschmidt

4 HCS HB 724 - Riback Wilson

5 HB 108 - Scheve

6 HB 423, HCA 1 - Backer

7 HB 848 - DeMarce

8 HCS HB 511 - Graham (24)

9 HB 497, HCA 1 - Naeger

10 HB 106 - Bland

11 HB 753 - Broach

12 HB 47 - Bland

**HOUSE BILLS FOR PERFECTION - INFORMAL**

1 HB 570, as amended - Stoll

2 HCS HB 155, 81 & 171 - Farmer

3 HCS HB 426, 576 & 567 - Luetkenhaus

4 HB 435, HCAs 1, 2, 3, 4 & 5 - Rizzo

5 HCS HB 396 - Hosmer

6 HCS HB 748 & 605 - McLuckie

7 HCS HB 146 - Scheve

8 HCS HB 436 & 260 - Treadway

9 HS HCS HB 349, as amended, HS, adopted, pending - Koller

10 HCS HB 723, 789 & 372, as amended, - Dougherty

**HOUSE BILLS FOR THIRD READING**

HB 135, (Budget Fiscal 4-30-97) - Dougherty

HCS HB 582, (Budget Fiscal 4-30-97) - Schilling

HCS HB 434, 624 & 676, (Budget Fiscal 5-1-97) - Long

**HOUSE BILLS FOR THIRD READING - INFORMAL**

HB 215 - Dougherty

HS HCS HB 282 - Kissell

**SENATE JOINT RESOLUTION FOR THIRD READING**

SCS SJR 14 - Smith

**SENATE BILLS FOR THIRD READING**

1 HCS SS#2 SCS SB 202, 23 & 183, E.C. (Budget Fiscal 5-5-97) - Gunn

2 HCS SS#3 SCS SB 51, (Budget Fiscal 5-5-97) - Dougherty

3 SS SCS SB 274, as amended - Crump

4 HCS SCS SB 457 & 458 - Clayton

5 SB 216, HCA 1 - Boatright

6 HCS SS SCS SB 345 - Treadway

7 SCS SB 258 & 228 - Rizzo

8 SB 187, HCAs 1 and 2 - Sallee

9 HCS SB 72 - Wiggins

10 HCS SS SCS SB 327, E.C. - Lakin/Richardson

11 HCS SS SB 466 - Shelton (57)

12 HCS SB 119 - Hosmer

13 HCS SCS SB 376, E.C. - Pryor

14 HCS SS SCS SB 168, (Budget Fiscal 5-13-97) - Stoll

15 SCS SB 105 - Hegeman

16 SB 108 - Broach

17 HCS SB 169, (Budget Fiscal 5-12-97) - May (108)

18 HCS SCS SB 251, (Budget Fiscal 5-12-97) - Hosmer

19 SCS SB 55 - Luetkenhaus

20 HCS SS SB 22 - Scheve

21 SB 247, (Budget Fiscal 5-13-97) - Barry

22 SS SB 120 - May (108)

23 SS SCS SB 225 & 3 - Kelly (27)

**SENATE BILLS FOR THIRD READING - INFORMAL**

**HCS SCS SB 79, as amended, - Thomason (163)**

**SCS SB 319, HCA 1 - Carter**

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HCS HJR 1, SA1 to SA1, SA 1, as amended, - Hosmer**

**SS HCR 21 - Green**

**BILLS CARRYING REQUEST MESSAGES**

**SB 262, HCA 1 (Req. House recede/pass bill) - Treadway**

**SS HB 791, (Req. Sen. rec/grant House conf) - Stoll**

**HJR 11, a.a. (Req. Sen rec/grant House conf) - Leake**

**SS SCS HB 32, a.a. (Req. Sen rec/grant House conf) - Bland**

**SS HCS HB 411, a.a. E.C. (Req. Sen rec/grant House conf and conferees allowed to exceed diff.) - Dougherty**

**BILLS IN CONFERENCE**

**1 HCS#2 SB 161 - Kelly (27)**

**2 CCR SS SCS HB 491, as amended, - Gaw**

**3 CCR #3 HCS HB 600 & 388 - Carter**

**4 CCR HS HCS SS SB 121, as amended, - Williams (121)**

**5 CCR SCS HS HB 390, as amended, - Hoppe**

**6 CCR SCS HS HCS HB 69 & 179 & HCS HB 669, as amended, E.C. - Hosmer**

**7 HS HCS SB 21, as amended, E.C. - Hoppe**

**8 CCR SS SCS HB 259 - Liese**

**9 CCR SB 358, as amended, - Gratz**

**10 HS SCS SB 49,213,130,32,235 & 221, as amended - Crump**

**11 HCS SS SCS SB 165, as amended - Rizzo**

**12 CCR SS HS HB 811, as amended - Lakin**

**13 HCS HB 288, as amended - Lumpe**

**14 CCR HS SS SB 97, as amended - Green**

15 SCS HS HCS HB 738, as amended - Hosmer

16 CCR HCS SS SB 248, as amended - May (108)

17 SS HCS HB 641 & 593, as amended - Fitzwater

SENATE CONCURRENT RESOLUTIONS

SCR 21, (4-10-97, pgs. 1033 & 1034) -

SCR 25, HCA 1(5-9-97 pgs. 1735 & 1736) - Carter

SCR 26, (5-8-97 pg. 1669) - Thomason (163)

HOUSE RESOLUTION

HCS HR 548, HA 1 to HA 1, HA 1, pending (4-29-97, pgs 1409) - Dougherty

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTY-FOURTH DAY, Friday, May 16, 1997

Representative Vogel in the Chair.

Prayer by Father Hugh Behan.

"Let us run with perserverance the race that is set before us." (Heb. 12:1).

During my boarding school days we had a saying on the rugby field, "if you cannot get the ball, get the man." Almost every year in the last week of the session, I am reminded of this saying. Later on in philosophy in logic class, they talked about the argumentum ad hominem, when you lose the argument you attack the other person, and if you are really desperate, you use the argument ad baculum, you hit your adversary with a stick.

Today, O God whose name is love, we pray for the recovery of civility for those who need it in the public comments we make about each other, and we ask for continued restraint for those who avoid the nasty comment, the unkind remark, which is usually not fair and irrelevant to the topic and distracts from the subject at hand. Help us to stay with the ball, the issue, and leave out the unwarranted suspicion about the motives of those who disagree, the personal attacks which only cause bad feelings and bitterness.

We know this is an unusual last day in that a special session starts this evening. We ask for the understanding and patience demanded from the Legislature, the staff and members of our families. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Christopher Joseph (C.J.) Schock, Charles Ellis, Rachel Sappington and Megan Brown.

The Journal of the seventy-third day was approved as corrected.

Speaker Gaw assumed the Chair.

**RESOLUTIONS**

Representative Heckemeyer offered House Resolution No. 1419, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Harlan offered House Resolution No. 1420, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaston offered House Resolution No. 1421, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gratz offered House Resolution Nos. 1422 and 1423, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 1424, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Reinhart offered House Resolution No. 1425, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Secrest and Loudon offered House Resolution No. 1426, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Parker offered House Resolution No. 1427, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Howerton offered House Resolution Nos. 1428 and 1433, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Evans and Loudon offered House Resolution No. 1434, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crawford offered House Resolution Nos. 1435 and 1436, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Crawford offered House Resolution No. 1437, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Fitzwater offered House Resolution Nos. 1438 through 1440, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Foley offered House Resolution No. 1441, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Graham (24) offered House Resolution No. 1442, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Summers offered House Resolution No. 1443, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Griesheimer and Overschmidt offered House Resolution No. 1444, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Daniels (41) offered House Resolution No. 1445, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Gaw offered House Resolution No. 1446, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Goward offered House Resolution No. 1447, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative McBride offered House Resolution No. 1448, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Boucher offered House Resolution No. 1449, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Levin offered House Resolution Nos. 1450 and 1451, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Secrest offered House Resolution No. 1452, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representatives Secrest and Loudon offered House Resolution No. 1453, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Robirds offered House Resolution No. 1454, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Hegeman offered House Resolution Nos. 1455 and 1458, which were referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Kelly (27) offered House Resolution No. 1459, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Cooper offered House Resolution No. 1460, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Shields offered House Resolution No. 1461, which was referred to the Committee on Miscellaneous Bills and Resolutions.

Representative Griesheimer offered House Resolution No. 1462, which was referred to the Committee on Miscellaneous Bills and Resolutions.

**COMMITTEE REPORTS**

**Committee on Miscellaneous Bills and Resolutions**, Chairman Foley reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **House Resolution Nos. 1180 through 1462**, begs leave to report it has examined the same and recommends that they **Do Pass**.

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SCS SB 251 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SS SCS SB 168 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Representative Days suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 001

Patek

NOES: 001

Elliott

PRESENT: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Daniel 42 Daniels 41 Davis 63 Davis 122

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hohulin Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Lumpe

Marble May 108 Mays 50 McBride Merideth

Miller Monaco Murphy Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 012

Boucher Crump Days Hand Heckemeyer

Holand Kauffman McClelland McLuckie Nordwald

Skaggs Thompson 37

**COURTESY RESOLUTIONS**

House Resolution Nos. 1419 through 1462 were taken up by Representative Backer.

On motion of Representative Backer, House Resolution Nos. 1419 through 1462 were adopted.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HB 411, as amended,** and grants the House a conference thereon, and that the Conferees are allowed to exceed the difference on **SA 1**.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Caskey, Curls, Maxwell, Ehlmann and Bentley.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SB 248, as amended**, and has taken up and passed **CCS HCS SS SB 248**.

Emergency Clause Adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has receded from its position on **SSA 1** for **SA 1** to **HJR 11**, and has taken up and passed **HJR 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **HCS SS SCS SB 165, as amended**, are allowed to exceed the differences in Section 99.845, Subsection 5, to add income tax withholding as a TIF funding source and Subsection 7, to add the requirement of a concurrent resolution for project approval and in Section 2, to add details to the disapproval process for certified investment companies.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 32, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 379**, entitled:

An act to repeal sections 306.031, 306.060, 306.122, 306.125, 306.126, 306.142, 306.147, 306.221, 306.550 and 306.903, RSMo Supp. 1996, relating to watercraft, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

**BILL IN CONFERENCE**

**HCS SS SCS SB 165**, relating to economic develoment, was taken up by Representative Rizzo.

Representative Rizzo moved to allow the conferees on **HCS SS SCS SB 165** to exceed the differences in Section 99.845, subsection 5, to add income tax withholding as a TIF funding source and subsection 7, to add the requirement of a concurrent resolution for project approval and in section 2, to add details to the disapproval process for certified investment companies.

Which motion was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SS HCS HBs 641 and 593**: Representatives Fitzwater, Stoll, McLuckie, Hartzler (123) and McClelland.

**SS HCS HB 411**: Representatives Dougherty, Gunn, Troupe, Kelley (47) and Gibbons.

**SS SCS HB 32**: Representatives Bland, Crump, Treadway, Griesheimer and Holand.

**BILLS IN CONFERENCE**

**CCR #3 HCS HBs 600 and 388**, relating to health insurance coverage, was taken up by Representative Carter.

On motion of Representative Carter, **CCR #3 HCS HBs 600 and 388** was adopted by the following vote:

AYES: 146

Akin Alter Backer Ballard Barnett 4
Barry 100 Bauer Bennett 15 Bland Boatright
Bonner Boucher Bray 84 Broach Burton
Campbell Carter Champion Chrismer Cierpiot
Clayton Cooper Copeland Daniel 42 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Holand Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Long Luetkenhaus
Lumpe Marble May 108 Mays 50 McBride
McClelland McLuckie Merideth Miller Monaco
Murphy Murray Naeger Nordwald O'Connor
O'Toole Ostmann Overschmidt Parker Pouche
Pryor Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Ross Sallee
Scheve Schilling Schwab Scott Secrest
Seigfreid Shear Sheldon 104 Shelton 57 Shields
Smith Steen Stokan Stoll Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Van Zandt Vogel Wannenmacher
Wiggins Williams 121 Williams 159 Wilson Wooten
Mr. Speaker

NOES: 011

Bartelsmeyer Berkstresser Crawford Gaston Hall
Hohulin Lograsso Loudon Patek Purgason
Robirds

PRESENT: 000

ABSENT WITH LEAVE: 006

Auer Crump Daniels 41 Hand Skaggs

Thompson 37

On motion of Representative Carter, **CCS #2 HCS HBs 600 and 388** was read the third time and passed by the following vote:

AYES: 147

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crump Daniel 42 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Elliott Enz Evans Farmer Farnen

Fitzwater Ford Foster Franklin Fritts

Froelker Gaskill Gibbons Goward Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hickey Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Long Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Smith Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 009

Crawford Gaston Hall Hohulin Lograsso

Loudon Patek Purgason Robirds

PRESENT: 000

ABSENT WITH LEAVE: 007

Auer Daniels 41 Foley Hand Skaggs

Steen Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Campbell, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative DeMarce moved that motion lay on the table.

The latter motion prevailed.

**CCR SCS HS HCS HBs 69 and 179, and HCS HB 669, as amended**, relating to law enforcement arrest powers, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **CCR SCS HS HCS HBs 69 and 179, and HCS HB 669, as amended,** was adopted by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Davis 63 Davis 122 Days

DeMarce Dolan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Bland Pryor

PRESENT: 001

Daniel 42

ABSENT WITH LEAVE: 007

Daniels 41 Donovan Hand Harlan Skaggs

Thompson 37 Wiggins

On motion of Representative Hosmer, **CCS SCS HS HCS HBs 69 and 179, and HCS HB 669** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Elliott

Enz Evans Farmer Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Bland

PRESENT: 001

Daniel 42

ABSENT WITH LEAVE: 008

Crump Daniels 41 Hand Harlan Purgason

Skaggs Thompson 37 Wiggins

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Seigfreid moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

**HOUSE BILL WITH SENATE AMENDMENTS**

**HCS HJR 1, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, relating to forfeiture proceeds was taken up by Representative Hosmer.**

**Representative Hosmer moved that the House refuse to concur in Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, to HCS HJR 1 and request the Senate to recede from its position or, failing to do so, grant the House a conference.**

**Which motion was adopted.**

**BILLS IN CONFERENCE**

**CCR SS SCS HB 259, relating to life insurance, was taken up by Representative Liese.**

**On motion of Representative Liese, CCR SS SCS HB 259 was adopted by the following vote:**

**AYES: 149**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15**

**Berkstresser Bland Boatright Bonner Boucher**

**Broach Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Copeland**

**Crawford Crump Daniel 42 Davis 63 Davis 122**

**Days DeMarce Dolan Dougherty Edwards-Pavia**

**Elliott Enz Evans Farmer Farnen**

**Fitzwater Foley Ford Foster Fritts**

**Froelker Gaskill Gaston Gibbons Goward**

**Graham 24 Gratz Green Griesheimer Gross**

**Gunn Hagan-Harrell Hall Harlan Hartzler 123**

**Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey**

**Hohulin Holand Hollingsworth Hoppe Hosmer**

**Howerton Johnson Kasten Kauffman Kelley 47**

**Kelly 27 Kennedy Kissell Koller Kreider**

**Lawson Leake Legan Levin Liese**

**Linton Long Loudon Luetkenhaus Lumpe**

**Marble May 108 Mays 50 McBride McLuckie**

**Merideth Miller Monaco Murphy Murray**

**Naeger Nordwald O'Connor O'Toole Ostmann**

**Overschmidt Parker Pouche Pryor Purgason**

Ransdall Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 013

Bray 84 Daniels 41 Donovan Franklin Graham 106

Hand Lakin Lograsso McClelland Richardson

Scott Skaggs Thompson 37

On motion of Representative Liese, CCS SS SCS HB 259 was read the third time and passed by the following vote:

AYES: 151

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farmer

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lawson Leake

Legan Liese Linton Long Loudon

Luetkenhaus Lumpe Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Ransdall Relford Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Shear Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 011

Boucher Daniels 41 Hand Lakin Levin

Lograsso Purgason Reinhart Seigfreid Skaggs

Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Foley moved that the vote by which the bill passed be reconsidered.

Representative Fritts moved that motion lay on the table.

The latter motion prevailed.

CCR HS SS SB 97, as amended, relating to confidential mental health reports, was taken up by Representative Green.

On motion of Representative Green, CCR HS SS SB 97, as amended, was adopted by the following vote:

AYES: 148

Akin Alter Auer Ballard Barnett 4

Barry 100 Bennett 15 Berkstresser Bland Boatright

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Chrismer Cierpiot

Clayton Cooper Copeland Crawford Crump

Daniel 42 Davis 63 Davis 122 DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farmer Farnen Fitzwater Ford

Foster Franklin Fritts Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Lumpe Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Backer

PRESENT: 000

ABSENT WITH LEAVE: 014

Bartelsmeyer Bauer Daniels 41 Days Foley

Froelker Hand Johnson O'Connor Purgason

Scott Skaggs Thompson 37 Williams 121

**On motion of Representative Green, HS SS SB 97, as amended by the CCR, was truly agreed to and finally passed by the following vote:**

**AYES: 155**

**Akin Alter Auer Ballard Barnett 4**

**Barry 100 Bauer Bennett 15 Berkstresser Bland**

**Boatright Bonner Boucher Bray 84 Broach**

**Burton Campbell Carter Champion Cierpiot**

**Clayton Cooper Copeland Crawford Crump**

**Daniel 42 Davis 63 Davis 122 Days DeMarce**

**Dolan Donovan Dougherty Edwards-Pavia Elliott**

**Enz Evans Farmer Farnen Fitzwater**

**Foley Ford Foster Franklin Fritts**

**Froelker Gaskill Gaston Gibbons Goward**

**Graham 24 Graham 106 Gratz Green Griesheimer**

**Gross Gunn Hagan-Harrell Hall Harlan**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**

**Hickey Hohulin Holand Hollingsworth Hoppe**

**Hosmer Howerton Johnson Kasten Kauffman**

**Kelley 47 Kelly 27 Kennedy Kissell Koller**

**Kreider Lakin Lawson Leake Legan**

**Levin Liese Linton Long Loudon**

**Luetkenhaus Lumpe Marble May 108 Mays 50**

**McBride McClelland McLuckie Merideth Miller**

**Monaco Murphy Murray Naeger Nordwald**

**O'Connor O'Toole Ostmann Overschmidt Parker**

**Patek Pouche Pryor Purgason Ransdall**

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**Schilling Schwab Scott Secrest Seigfreid**

**Shear Sheldon 104 Shelton 57 Shields Smith**

**Steen Stokan Stoll Stroker Summers**

**Surface Tate Thomason 163 Townley Treadway**

**Troupe Van Zandt Vogel Wannenmacher Wiggins**

**Williams 121 Williams 159 Wilson Wooten Mr. Speaker**

**NOES: 002**

**Backer Bartelsmeyer**

**PRESENT: 000**

ABSENT WITH LEAVE: 006

Chrismer Daniels 41 Hand Lograsso Skaggs

Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative Hagan-Harrell, title to the bill was agreed to.

Representative Bland moved that the vote by which the bill passed be reconsidered.

Representative Campbell moved that motion lay on the table.

The latter motion prevailed.

HOUSE BILL WITH SENATE AMENDMENT

SS HCR 21, relating to Capitol space, was taken up by Representative Green.

On motion of Representative Green, SS HCR 21 was adopted.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SS SCS HB 259, and has taken up and passed CCS SS SCS HB 259.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report # 3 on HCS HBs 600 & 388 as amended, and has taken up and passed CCS #2 HCS HBs 600 & 388.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on SS SCS HB 32, as amended: Senators Banks, Jacob, Maxwell, Singleton and Mueller.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SCS HS HCS HBs 69 & 179 & HCS HB 669, as amended, and has taken up and passed CCS SCS HS HCS HBs 69 & 179 and HCS HB 669.

SENATE CONCURRENT RESOLUTIONS

SCR 21, relating to Corps of Engineers, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), SCR 21 was adopted.

SCR 26, relating to session laws, was taken up by Representative Thomason (163).

On motion of Representative Thomason (163), SCR 26 was adopted.

BILL IN CONFERENCE

**CCR SB 358, as amended, relating to release of records, was taken up by Representative Gratz.**

**On motion of Representative Gratz, CCR SB 358, as amended, was adopted by the following vote:**

**AYES: 151**

**Akin Alter Backer Ballard Barnett 4**
**Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser**
**Bland Boatright Bonner Boucher Bray 84**
**Broach Burton Campbell Champion Chrismer**
**Cierpiot Clayton Cooper Copeland Crawford**
**Crump Daniel 42 Davis 63 Davis 122 Days**
**DeMarce Dolan Donovan Dougherty Edwards-Pavia**
**Elliott Enz Evans Farmer Farnen**
**Fitzwater Foley Ford Foster Franklin**
**Fritts Froelker Gaskill Gaston Gibbons**
**Goward Graham 24 Graham 106 Gratz Griesheimer**
**Gross Gunn Hagan-Harrell Hall Harlan**
**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**
**Hickey Hohulin Holand Hollingsworth Hoppe**
**Hosmer Howerton Johnson Kasten Kauffman**
**Kelley 47 Kelly 27 Kennedy Kissell Koller**
**Kreider Lakin Lawson Leake Legan**
**Levin Liese Linton Lograsso Long**
**Loudon Luetkenhaus Marble May 108 Mays 50**
**McBride McClelland McLuckie Merideth Murphy**
**Murray Naeger Nordwald O'Connor O'Toole**
**Ostmann Overschmidt Parker Patek Pouche**
**Pryor Purgason Ransdall Reinhart Relford**
**Reynolds Richardson Ridgeway Rizzo Robirds**
**Ross Sallee Scheve Schilling Schwab**
**Scott Secrest Seigfreid Shear Sheldon 104**
**Shelton 57 Shields Smith Steen Stoll**
**Stroker Summers Surface Tate Thomason 163**
**Townley Treadway Troupe Van Zandt Vogel**
**Wannenmacher Wiggins Williams 159 Wilson Wooten**
**Mr. Speaker**

**NOES: 000**

**PRESENT: 000**

**ABSENT WITH LEAVE: 012**

**Auer Carter Daniels 41 Green Hand**

**Lumpe Miller Monaco Skaggs Stokan**

**Thompson 37 Williams 121**

**On motion of Representative Gratz, SB 358, as amended, was truly agreed to and finally passed by the following vote:**

**AYES: 151**

**Akin Alter Backer Ballard Barnett 4**

**Barry 100 Bartelsmeyer Bennett 15 Berkstresser Bland**

**Boatright Bonner Boucher Bray 84 Broach**

**Burton Campbell Champion Chrismer Cierpiot**

**Clayton Cooper Copeland Crawford Crump**

**Daniel 42 Daniels 41 Davis 63 Davis 122 Days**

**DeMarce Dolan Donovan Dougherty Edwards-Pavia**

**Elliott Enz Evans Farmer Farnen**

**Fitzwater Foley Ford Foster Franklin**

**Fritts Froelker Gaskill Gaston Goward**

**Graham 24 Graham 106 Gratz Green Griesheimer**

**Gross Gunn Hagan-Harrell Hartzler 123 Hartzler 124**

**Heckemeyer Hegeman Hendrickson Hickey Hohulin**

**Holand Hollingsworth Hoppe Hosmer Howerton**

**Johnson Kasten Kauffman Kelley 47 Kelly 27**

**Kennedy Kissell Koller Kreider Lakin**

**Lawson Leake Legan Levin Liese**

**Linton Lograsso Long Lumpe Marble**

**May 108 Mays 50 McBride McClelland McLuckie**

**Merideth Miller Murray Naeger Nordwald**

**O'Connor O'Toole Ostmann Overschmidt Parker**

**Patek Pouche Pryor Purgason Ransdall**

**Reinhart Relford Reynolds Richardson Ridgeway**

**Rizzo Robirds Ross Sallee Scheve**

**Schilling Schwab Scott Secrest Seigfreid**

**Shear Sheldon 104 Shelton 57 Shields Smith**

**Steen Stokan Stoll Stroker Summers**

**Surface Tate Thomason 163 Thompson 37 Townley**

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Auer Bauer Carter Gibbons Hall

Hand Harlan Loudon Luetkenhaus Monaco

Murphy Skaggs

Speaker Gaw declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Parker moved that motion lay on the table.

The latter motion prevailed.

SENATE CONCURRENT RESOLUTION

SCR 25, with House Committee Amendment No. 1, relating to mental health insurance availability, was taken up by Representative Carter.

SCR 25, with House Committee Amendment No. 1, was laid over.

SENATE BILL FOR THIRD READING

SS SCS SB 274, as amended, relating to off-track pari-mutuel wagering, was again taken up by Representative Crump.

SS SCS SB 274, as amended, was laid over.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in HCS SS SB 208, as amended, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

MOTION

Representative Scheve moved that the House refuse to recede from its position on HCS SS SB 208, as amended, and grant the Senate a conference.

Which motion was adopted.

Speaker Pro Tem Kreider assumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SS SB 208: Representatives Scheve, Farnen, Campbell, Ross and Pouche.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on HCS SS SB 208, as amended: Senators Maxwell, Jacob, DePasco, Bentley and Sims.

CONFERENCE COMMITTEE REPORT

ON

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 208

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Bill No. 208, with House Amendment Nos. 2 and 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 208, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 208;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 208 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ May Scheve /s/ Joe Maxwell

/s/ Ted Farnen Ken Jacob

/s/ Marsha Campbell /s/ Ronnie DePasco

/s/ Carson Ross /s/ Roseann Bentley

/s/ Fred Pouche /s/ Betty Sims

BILLS IN CONFERENCE

CCR SS SCS HB 491, as amended, relating to sales/use tax, was taken up by Representative Gaw.

**On motion of Representaitve Gaw, CCR SS SCS HB 491, as amended, was adopted by the following vote:**

**AYES: 119**

**Backer Barnett 4 Barry 100 Bauer Boatright**

**Bonner Boucher Bray 84 Broach Burton**

**Campbell Carter Champion Cierpiot Clayton**

**Cooper Copeland Crump Daniel 42 Daniels 41**

**Davis 63 Davis 122 Days DeMarce Dolan**

**Edwards-Pavia Enz Evans Farmer Farnen**

**Fitzwater Foley Ford Foster Franklin**

**Fritts Goward Graham 24 Graham 106 Gratz**

**Gross Hagan-Harrell Harlan Hartzler 123 Hartzler 124**

**Heckemeyer Hegeman Hickey Hohulin Holand**

**Hollingsworth Hoppe Hosmer Howerton Johnson**

**Kauffman Kelly 27 Kennedy Kissell Koller**

**Kreider Lakin Lawson Leake Liese**

**Long Luetkenhaus Lumpe Marble May 108**

**Mays 50 McBride McClelland McLuckie Merideth**

**Monaco Murray Nordwald Ostmann Overschmidt**

**Parker Patek Pouche Ransdall Reinhart**

**Relford Reynolds Ridgeway Rizzo Robirds**

**Ross Sallee Scheve Schilling Seigfreid**

**Shear Sheldon 104 Shelton 57 Smith Steen**

**Stokan Stoll Stroker Summers Tate**

**Thomason 163 Thompson 37 Townley Treadway Troupe**

**Van Zandt Vogel Wannenmacher Wiggins Williams 121**

**Williams 159 Wilson Wooten Mr. Speaker**

**NOES: 036**

**Akin Alter Auer Ballard Bartelsmeyer**

**Berkstresser Chrismer Crawford Donovan Elliott**

**Froelker Gaskill Gaston Gibbons Green**

**Griesheimer Hall Kasten Kelley 47 Legan**

**Levin Linton Lograsso Loudon Miller**

**Murphy Naeger O'Toole Pryor Purgason**

**Richardson Schwab Scott Secrest Shields**

**Surface**

**PRESENT: 002**

**Bland Hendrickson**

**ABSENT WITH LEAVE: 006**

**Bennett 15 Dougherty Gunn Hand O'Connor**

**Skaggs**

**On motion of Representative Gaw, CCS SS SCS HB 491 was read the third time and passed by the following vote:**

**AYES: 155**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15**

**Berkstresser Boatright Bonner Boucher Bray 84**

**Broach Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Copeland**

**Crawford Crump Daniel 42 Daniels 41 Davis 63**

**Davis 122 Days DeMarce Dolan Donovan**

**Edwards-Pavia Elliott Enz Evans Farmer**

**Farnen Fitzwater Foley Foster Franklin**

**Fritts Froelker Gaskill Gaston Gibbons**

**Goward Graham 24 Graham 106 Gratz Green**

**Griesheimer Gross Gunn Hall Harlan**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hickey**

**Hohulin Holand Hollingsworth Hoppe Hosmer**

**Howerton Johnson Kasten Kauffman Kelley 47**

**Kelly 27 Kennedy Kissell Koller Kreider**

**Lakin Lawson Leake Legan Levin**

**Liese Linton Lograsso Long Loudon**

**Luetkenhaus Lumpe Marble May 108 Mays 50**

**McBride McClelland McLuckie Merideth Miller**

**Monaco Murphy Murray Naeger Nordwald**

**O'Connor O'Toole Ostmann Overschmidt Parker**

**Patek Pouche Pryor Purgason Ransdall**

**Reinhart Relford Reynolds Richardson Ridgeway**

**Rizzo Robirds Ross Sallee Scheve**

**Schilling Schwab Scott Secrest Seigfreid**

**Shear Shelton 57 Shields Smith Steen**

**Stokan Stoll Stroker Summers Surface**

**Tate Thomason 163 Thompson 37 Townley Treadway**

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 002

Bland Hendrickson

ABSENT WITH LEAVE: 006

Dougherty Ford Hagan-Harrell Hand Sheldon 104

Skaggs

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative McBride moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

CCR SS HS HB 811, as amended, relating to Health Missouri Children Corporation, was taken up by Representative Lakin.

Representative Smith assumed the Chair.

Speaker Pro Tem Kreider resumed the Chair.

Representative Scheve assumed the Chair.

Representative Foley assumed the Chair.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 153

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

**Champion Chrismer Cierpiot Clayton Cooper**

**Crawford Crump Daniel 42 Daniels 41 Davis 63**

**Davis 122 Days DeMarce Dolan Donovan**

**Edwards-Pavia Elliott Enz Evans Farmer**

**Farnen Fitzwater Foley Foster Franklin**

**Fritts Froelker Gaskill Gaston Gibbons**

**Goward Graham 106 Gratz Green Griesheimer**

**Gross Gunn Hagan-Harrell Hall Harlan**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**

**Hickey Hohulin Holand Hollingsworth Hoppe**

**Hosmer Howerton Johnson Kasten Kauffman**

**Kelley 47 Kelly 27 Kennedy Kissell Koller**

**Kreider Lakin Lawson Leake Legan**

**Levin Linton Lograsso Long Loudon**

**Luetkenhaus Lumpe Marble May 108 Mays 50**

**McBride McClelland McLuckie Merideth Miller**

**Murphy Murray Naeger Nordwald O'Toole**

**Ostmann Overschmidt Parker Patek Pouche**

**Pryor Purgason Ransdall Reinhart Relford**

**Reynolds Richardson Ridgeway Rizzo Robirds**

**Ross Sallee Scheve Schilling Schwab**

**Scott Secrest Seigfreid Shear Sheldon 104**

**Shelton 57 Shields Smith Steen Stoll**

**Stroker Summers Surface Tate Thomason 163**

**Thompson 37 Townley Treadway Troupe Van Zandt**

**Vogel Wannenmacher Wiggins Williams 121 Williams 159**

**Wilson Wooten Mr. Speaker**

**ABSENT WITH LEAVE: 010**

**Copeland Dougherty Ford Graham 24 Hand**

**Liese Monaco O'Connor Skaggs Stokan**

**Speaker Gaw resumed the Chair.**

**Representative Backer moved the previous question.**

**Which motion was adopted by the following vote:**

**AYES: 084**

**Auer Backer Barry 100 Bauer Bland**

Bonner Boucher Bray 84 Campbell Carter
Clayton Copeland Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Donovan Dougherty
Farmer Farnen Fitzwater Foley Ford
Franklin Fritts Goward Graham 24 Gratz
Green Gunn Hagan-Harrell Harlan Heckemeyer
Hickey Hollingsworth Hoppe Hosmer Johnson
Kauffman Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Liese
Luetkenhaus Lumpe May 108 Mays 50 McBride
McLuckie Murray O'Toole Overschmidt Parker
Ransdall Relford Reynolds Rizzo Scheve
Schilling Seigfreid Shear Shelton 57 Smith
Stokan Stoll Stroker Tate Thomason 163
Thompson 37 Treadway Troupe Van Zandt Wiggins
Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 073

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Chrismer Cierpiot Cooper Crawford Daniels 41
Dolan Edwards-Pavia Elliott Enz Evans
Foster Froelker Gaskill Gaston Gibbons
Graham 106 Griesheimer Gross Hall Hartzler 123
Hartzler 124 Hegeman Hendrickson Hohulin Holand
Howerton Kasten Kelley 47 Legan Levin
Linton Lograsso Long Loudon Marble
McClelland Merideth Miller Murphy Naeger
Nordwald Ostmann Patek Pouche Pryor
Purgason Reinhart Richardson Ridgeway Robirds
Ross Sallee Schwab Scott Sheldon 104
Shields Steen Summers Surface Townley
Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 006

Champion Hand Monaco O'Connor Secrest
Skaggs

**On motion of Representative Lakin, CCR SS HS HB 811, as amended, was adopted by the following vote:**

**AYES: 088**

**Auer Backer Barry 100 Bauer Bland**
**Bonner Boucher Bray 84 Campbell Carter**
**Clayton Cooper Copeland Crump Daniel 42**
**Davis 63 Davis 122 Days DeMarce Donovan**
**Dougherty Edwards-Pavia Farmer Farnen Fitzwater**
**Foley Franklin Fritts Goward Graham 24**
**Gratz Green Gunn Hagan-Harrell Harlan**
**Heckemeyer Hickey Hollingsworth Hoppe Hosmer**
**Johnson Kauffman Kelly 27 Kennedy Kissell**
**Koller Kreider Lakin Lawson Leake**
**Liese Luetkenhaus Lumpe May 108 Mays 50**
**McBride McClelland McLuckie Murray O'Toole**
**Ostmann Overschmidt Parker Ransdall Relford**
**Reynolds Rizzo Scheve Schilling Seigfreid**
**Shear Shelton 57 Smith Stokan Stoll**
**Stroker Tate Thomason 163 Thompson 37 Treadway**
**Troupe Van Zandt Wiggins Williams 121 Williams 159**
**Wilson Wooten Mr. Speaker**

**NOES: 067**

**Akin Alter Ballard Barnett 4 Bartelsmeyer**
**Bennett 15 Berkstresser Boatright Broach Burton**
**Champion Chrismer Cierpiot Crawford Dolan**
**Elliott Enz Evans Foster Froelker**
**Gaskill Gaston Gibbons Graham 106 Griesheimer**
**Gross Hall Hartzler 123 Hartzler 124 Hegeman**
**Hendrickson Hohulin Holand Howerton Kelley 47**
**Legan Levin Linton Long Loudon**
**Marble Merideth Miller Murphy Naeger**
**Nordwald Patek Pouche Pryor Purgason**
**Reinhart Richardson Ridgeway Robirds Ross**
**Sallee Schwab Scott Secrest Sheldon 104**
**Shields Steen Summers Surface Townley**

Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 008

Daniels 41 Ford Hand Kasten Lograsso
Monaco O'Connor Skaggs

Representative Backer moved the previous question.

Which motion was adopted by the following vote:

AYES: 082

Auer Backer Barry 100 Bauer Bland
Bonner Boucher Bray 84 Campbell Carter
Clayton Copeland Crump Daniel 42 Davis 63
Davis 122 Days DeMarce Dougherty Farmer
Farnen Fitzwater Foley Ford Franklin
Fritts Goward Graham 24 Gratz Green
Gunn Hagan-Harrell Harlan Heckemeyer Hickey
Hollingsworth Hoppe Hosmer Johnson Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Liese Luetkenhaus Lumpe
May 108 Mays 50 McBride McLuckie Merideth
Murray O'Toole Overschmidt Parker Ransdall
Relford Reynolds Rizzo Scheve Schilling
Seigfreid Shear Shelton 57 Smith Stokan
Stoll Stroker Tate Thomason 163 Thompson 37
Treadway Van Zandt Wiggins Williams 121 Williams 159
Wilson Mr. Speaker

NOES: 075

Akin Alter Ballard Barnett 4 Bartelsmeyer
Bennett 15 Berkstresser Boatright Broach Burton
Chrismer Cierpiot Cooper Crawford Daniels 41
Dolan Donovan Edwards-Pavia Elliott Enz
Evans Foster Froelker Gaskill Gaston
Gibbons Graham 106 Griesheimer Gross Hall
Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin
Holand Howerton Kasten Kauffman Kelley 47

Legan Levin Linton Lograsso Long

Loudon Marble McClelland Miller Murphy

Naeger Nordwald Ostmann Patek Pouche

Pryor Purgason Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Sheldon 104 Shields Steen Summers

Surface Townley Vogel Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 006

Champion Hand Monaco O'Connor Skaggs

Troupe

Representative Hohulin requested verification of the roll call on the previous question.

On motion of Representative Lakin, CCS SS HS HB 811 was read the third time and passed by the following vote:

AYES: 096

Auer Backer Barry 100 Bauer Bland

Bonner Boucher Bray 84 Broach Campbell

Carter Clayton Cooper Copeland Crump

Daniel 42 Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Edwards-Pavia Farmer Farnen

Fitzwater Foley Franklin Fritts Froelker

Goward Graham 24 Gratz Green Gunn

Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth

Hoppe Hosmer Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Levin

Liese Luetkenhaus Lumpe May 108 Mays 50

McBride McClelland McLuckie Merideth Monaco

Murray O'Connor O'Toole Ostmann Overschmidt

Parker Ransdall Relford Reynolds Rizzo

Scheve Schilling Seigfreid Shear Shelton 57

Smith Stokan Stoll Stroker Tate

Thomason 163 Thompson 37 Treadway Troupe Van Zandt

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 060

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Burton Champion

Chrismer Cierpiot Crawford Elliott Enz

Evans Foster Gaskill Gaston Gibbons

Graham 106 Griesheimer Gross Hall Hartzler 123

Hartzler 124 Hegeman Hendrickson Hohulin Holand

Howerton Legan Linton Long Loudon

Marble Miller Murphy Naeger Nordwald

Patek Pouche Pryor Purgason Reinhart

Richardson Ridgeway Robirds Ross Schwab

Scott Secrest Sheldon 104 Shields Steen

Summers Surface Townley Vogel Wannenmacher

PRESENT: 000

ABSENT WITH LEAVE: 007

Daniels 41 Dolan Ford Hand Lograsso

Sallee Skaggs

Speaker Gaw declared the bill passed.

On motion of Representative Kennedy, title to the bill was agreed to.

Representative Kissell moved that the vote by which the bill passed be reconsidered.

Representative Wiggins moved that motion lay on the table.

The latter motion prevailed.

CONFERENCE COMMITTEE REPORT

ON

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILLS NOS. 641 & 593

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593 with Senate Amendment Nos. 1, 2, 3, 4 and 5, with Senate Amendment No. 1, 6 and 8, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendment No. 8 to Senate Substitute for House

**Committee Substitute for House Bill Nos. 641 & 593, as amended;**

**2. That Senate Substitute for House Committee Substitute for House Bill Nos. 641 and 593 with Senate Amendment Nos. 1, 2, 3, 4 and 5, as amended and 6 with the attached Conference Committee Amendment be adopted.**

**FOR THE HOUSE: FOR THE SENATE:**

**/s/ Rodger Fitzwater /s/ Bill McKenna**

**/s/ Steve McLuckie /s/ Walt Mueller**

**/s/ Stephen Stoll /s/ Ted House**

**/s/ Ed Hartzler /s/ Roseann Bentley**

**/s/ Emmy McClelland /s/ Harold Caskey**

***Conference Committee Amendment No. 1***

**AMEND Senate Substitute for House Committee Substitute for House Bill Nos. 641 & 593, Page 1, In the Title, Line 3 of said title, by deleting the word "section" and inserting in lieu thereof the following: "sections 167.117 and"; and**

**Further amend said bill, Page 1, In the Title, Line 5 of said title, by deleting the word "six" and inserting in lieu thereof the word "seven"; and**

**Further amend said bill, Page 1, Section A, Line 2 of said section, by deleting the word "section" and inserting in lieu thereof the following: "sections 167.117 and"; and**

**Further amend said bill, Page 1, Section A, Line 3 of said section, by deleting the word "six" and inserting in lieu thereof the word "seven"; and**

**Further amend said bill, Page 1, Section A, Line 4 of said section, by inserting immediately after the number "162.975," the number "167.117,"; and**

**Further amend said bill, Page 8, Section 167.126, Line 1 of said section, by inserting before all of said line the following:**

**"167.117. 1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.**

**2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent.**

**3. In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.**

**4. A school employee, superintendent or such person's designee who in good faith provides information to**

police under subsection 1 or 2 of this section shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091, RSMo." ; and

Further amend said substitute, Page 12, Section 1, Lines 5 and 6 of said page by deleting the words "and Section 536.028, RSMo,".

CCR SS HCS HBs 641 and 593, as amended, relating to state aid for special education, was taken up by Representative Fitzwater.

On motion of Representative Fitzwater, CCR SS HCS HBs 641 and 593, as amended, was adopted by the following vote:

AYES: 154

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Donovan

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Stoll Stroker Summers Surface

Tate Thomason 163 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Dolan Dougherty Farmer Ford Goward

Hand Lumpe Skaggs Thompson 37

On motion of Representative Fitzwater, SS HCS HBs 641 and 593, as amended by the CCR, was read the third time and passed by the following vote:

AYES: 156

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Goward Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Loudon Luetkenhaus Lumpe Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Smith Steen Stokan Stoll Stroker

Summers Surface Tate Thomason 163 Townley

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Farmer Ford Hagan-Harrell Hand Long

Skaggs Thompson 37

Speaker Gaw declared the bill passed.

On motion of Representative McBride, title to the bill was agreed to.

Representative Auer moved that the vote by which the bill passed be reconsidered.

Representative O'Toole moved that motion lay on the table.

The latter motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on SS SCS HB 491, as amended, and has taken up and passed CCS SS SCS HB 491.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HB 379, relating to watercraft law, was taken up by Representative Franklin.

On motion of Representative Franklin, SCS HB 379 was adopted by the following vote:

AYES: 135

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bennett 15 Berkstresser Bland Boatright

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Chrismer Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Donovan

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaston Gibbons Goward Graham 24 Graham 106

Green Griesheimer Gunn Hagan-Harrell Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Merideth

Miller Monaco Murphy Murray Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Smith Steen Stokan Stoll

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Wilson Wooten

NOES: 014

Akin Ballard Cierpiot Crawford Gratz

Gross Hall Hohulin Lograsso Loudon

Naeger Patek Ridgeway Williams 159

PRESENT: 000

ABSENT WITH LEAVE: 014

Bauer Dolan Dougherty Edwards-Pavia Farmer

Ford Gaskill Hand Marble McClelland

Relford Skaggs Thompson 37 Mr. Speaker

On motion of Representative Franklin, SCS HB 379 was truly agreed to and finally passed by the following vote:

AYES: 137

Alter Auer Backer Barnett 4 Barry 100

Bauer Bennett 15 Berkstresser Bland Boatright

Bonner Boucher Bray 84 Broach Burton

Campbell Carter Champion Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaston Gibbons Goward Graham 24

Graham 106 Green Griesheimer Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hickey Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McLuckie Merideth

Miller Monaco Murphy Murray Nordwald

O'Connor O'Toole Ostmann Overschmidt Parker

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Smith Steen Stokan

Stoll Stroker Summers Surface Tate

Thomason 163 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Wilson

Wooten Mr. Speaker

NOES: 015

Akin Ballard Chrismer Cierpiot Crawford

Gratz Gross Hall Hohulin Lograsso

Loudon Naeger Patek Ridgeway Williams 159

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 010

Bartelsmeyer Dougherty Farmer Ford Gaskill

Hand Marble McClelland Skaggs Thompson 37

**Speaker Gaw declared the bill passed.**

**The emergency clause was adopted by the following vote:**

**AYES: 125**

**Auer Backer Barnett 4 Barry 100 Bartelsmeyer**
**Bauer Bennett 15 Berkstresser Bland Bonner**
**Boucher Bray 84 Broach Burton Campbell**
**Carter Champion Clayton Cooper Copeland**
**Crump Daniel 42 Davis 63 Davis 122 DeMarce**
**Dolan Donovan Edwards-Pavia Elliott Farnen**
**Fitzwater Foley Foster Franklin Fritts**
**Gaskill Gibbons Goward Graham 24 Graham 106**
**Green Griesheimer Gunn Hagan-Harrell Harlan**
**Hartzler 123 Heckemeyer Hegeman Hickey Holand**
**Hollingsworth Hoppe Hosmer Johnson Kasten**
**Kauffman Kelley 47 Kelly 27 Kennedy Kissell**
**Koller Kreider Lakin Lawson Leake**
**Legan Levin Liese Long Luetkenhaus**
**Lumpe May 108 Mays 50 McBride McLuckie**
**Miller Monaco Murphy Murray Nordwald**
**O'Connor O'Toole Ostmann Overschmidt Parker**
**Pouche Pryor Purgason Ransdall Relford**
**Reynolds Richardson Rizzo Robirds Ross**
**Sallee Scheve Schilling Schwab Scott**
**Secrest Seigfreid Shear Sheldon 104 Shelton 57**
**Shields Smith Steen Stokan Stoll**
**Stroker Summers Surface Tate Thomason 163**
**Treadway Troupe Van Zandt Vogel Wannenmacher**
**Wiggins Williams 121 Wilson Wooten Mr. Speaker**

**NOES: 026**

**Akin Alter Ballard Boatright Chrismer**
**Cierpiot Crawford Enz Evans Froelker**
**Gaston Gratz Gross Hall Hendrickson**
**Hohulin Howerton Lograsso Loudon Merideth**
**Naeger Patek Reinhart Ridgeway Townley**
**Williams 159**

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniels 41 Days Dougherty Farmer Ford

Hand Hartzler 124 Linton Marble McClelland

Skaggs Thompson 37

On motion of Representative Stokan, title to the bill was agreed to.

Representative Shear moved that the vote by which the bill passed be reconsidered.

Representative Schilling moved that motion lay on the table.

The latter motion prevailed.

SENATE CONCURRENT RESOLUTION

SCR 25, with House Committee Amendment No. 1, relating to mental health insurance, was again taken up by Representative Carter.

On motion of Representative Carter, House Committee Amendment No. 1 was adopted.

Representative Shields offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Concurrent Resolution No. 25, Page 2, Lines 11 and 12, by deleting the words ", but not be limited to," from said lines.

On motion of Representative Shields, House Amendment No. 1 was adopted.

On motion of Representative Carter, SCR 25, as amended, was adopted.

THIRD READING OF SENATE BILL

SS SCS SB 274, as amended, relating to off track pari-mutuel wagering, was again taken up by Representative Crump.

Representative Kissell offered House Amendment No. 1.

*House Amendment No. 1*

AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 7, Section 313.658, Line 17, by inserting after said line the following:

The racing commission shall not accept applications for a race track where the forecasted capital expenditures shall be no less than twenty million dollars.

The racing commission shall also not issue a license for a simulcast facility unless they determine by rule the size and dimension of the facility.

**Representative Richardson offered House Substitute Amendment No. 1 for House Amendment No. 1.**

**House Substitute Amendment No. 1 for House Amendment No. 1 was withdrawn.**

**Representative Richardson offered House Sustitute Amendment No. 1 for House Amendment No. 1.**

***House Substitute Amendment No. 1***

***for***

***House Amendment No. 1***

**AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 7, Section 313.658, Line 17, by inserting after said line the following:**

**The racing commission shall not accept applications for a race track where the forecasted capital expenditures shall be no less than thirty million dollars.**

**The racing commission shall also not issue a license for a simulcast facility unless they determine by rule the size and dimension of the facility.**

**Representative Richardson moved that House Substitute Amendment No. 1 for House Amendment No. 1 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 075**

**Akin Alter Auer Ballard Barnett 4**

**Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright**

**Broach Burton Chrismer Cierpiot Crawford**

**Daniels 41 DeMarce Donovan Edwards-Pavia Elliott**

**Enz Evans Foster Froelker Gaskill**

**Gaston Goward Graham 106 Gross Hall**

**Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin**

**Holand Howerton Kasten Kauffman Kelley 47**

**Legan Levin Linton Lograsso Long**

**Loudon Marble McClelland Miller Murphy**

**Naeger Ostmann Patek Pouche Pryor**

**Purgason Ransdall Reinhart Richardson Ridgeway**

**Robirds Ross Sallee Schwab Scott**

**Secrest Shields Steen Stokan Stroker**

**Summers Surface Tate Townley Treadway**

**NOES: 080**

**Backer Bauer Bland Bonner Boucher**

**Bray 84 Campbell Carter Clayton Cooper**

**Copeland Crump Davis 63 Davis 122 Days**

**Dolan Dougherty Farmer Farnen Fitzwater**

**Foley Ford Franklin Fritts Gibbons**

**Graham 24 Gratz Green Griesheimer Gunn**

**Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth**

**Hoppe Hosmer Johnson Kelly 27 Kennedy**

**Kissell Kreider Lakin Lawson Leake**

**Liese Luetkenhaus Lumpe May 108 Mays 50**

**McBride McLuckie Merideth Monaco Murray**

**Nordwald O'Toole Overschmidt Parker Relford**

**Reynolds Rizzo Scheve Schilling Seigfreid**

**Shear Sheldon 104 Shelton 57 Smith Stoll**

**Troupe Van Zandt Vogel Wannenmacher Wiggins**

**Williams 121 Williams 159 Wilson Wooten Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 008**

**Champion Daniel 42 Hand Koller O'Connor**

**Skaggs Thomason 163 Thompson 37**

**On motion of Representative Franklin, House Amendment No. 1 was adopted.**

**Representative Kissell offered House Amendment No. 2.**

***House Amendment No. 2***

**AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 1, In the Title, Line 4, by deleting the word "thirteen" and inserting in lieu thereof the word "nineteen"; and**

**Further amend said bill, Page 1, Section A, Line 2, by deleting the word "thirteen" and inserting in lieu thereof the word "nineteen"; and**

**Further amend said bill, Page 1, Section A, Line 5, by deleting the word and figure "and 536.028" and inserting in lieu thereof the following: ", 536.028 and 1"; and**

**Further amend said bill, Page 14, Section 536.028, Line 124, by inserting after all of said line the following:**

**"Section 1. 1. Any county or city that is authorized to conduct off-track pari-mutuel wagering shall, before any such off-track pari-mutuel wagering is conducted in such city or county, submit to the voters the question of whether such city or county shall allow off-track pari-mutuel wagering.**

**2. The ballot for such election shall read substantially as follows:**

**Shall off-track pari-mutuel wagering be allowed in.....(county or city name) ?**

**[] Yes [] No**

**If a majority of the voters voting thereon vote in favor of the question, then off-track pari-mutuel wagering shall be allowed in such city or county, subject to the approval of the horse racing commission. If a majority of the voters voting thereon vote against the question, then off-track pari-mutuel wagering shall not be allowed in such city or county regardless of the horse racing commission's approval.".**

**Representative Green assumed the Chair.**

**Representative Loudon offered House Amendment No. 1 to House Amendment No. 2.**

**Representative Franklin raised a point of order that House Amendment No. 1 to House Amendment No. 2 is in the third degree.**

**Representative Green requested a parliamentary ruling.**

**The Parliamentary Committee ruled the point of order not well taken.**

**Representative Treadway raised a point of order that House Amendment No. 1 to House Amendment No. 2 is not germane to the bill.**

**Representative Green requested a parliamentary ruling.**

**The Parliamentary Committee ruled the point of order well taken.**

**Representative Akin offered House Substitute Amendment No. 1 for House Amendment**

**No. 2.**

***House Substitute Amendment No. 1***

***for***

***House Amendment No. 2***

**AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 11, Section 313.664, Line 6, by inserting after all of said line the following:**

**"313.668. 1. Any city or county which has previously voted to conduct gambling games on an excursion gambling boat pursuant to section 313.812, may vote to continue, or disallow and discontinue all pari-mutuel wagering in that city or county. If the voters present a petition that is signed by a number of voters equal to ten percent of those in the city or county who voted in the most recent gubernatorial election requesting such an election to the election authority of the city or county, then the governing body of the city or county shall submit such proposal to the voters of the city or county. Such vote may be held at any general, primary or special election. The ballot submission shall contain, but need not be limited to, the following language:**

**"Shall the City (or County) of ..... continue to allow off-track pari-mutuel wagering in the city (or county)?**

**[ ] Yes [ ] No**

**If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"."**

**If a majority of votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then all pari-mutuel wagering approved by the commission shall continue. If a majority of votes cast thereon are in favor of discontinuing all pari-mutuel wagering, all such wagering shall cease sixty days from the date of the election.**

**Representative Scheve raised a point of order that House Substitute Amendment No. 1 for House Amendment No. 2 is not germane to the bill.**

**Representative Green requested a parliamentary ruling.**

**The Parliamentary Committee ruled the point of order not well taken.**

**Speaker Pro Tem Kreider resumed the Chair.**

**Representative Akin moved that House Substitute Amendment No. 1 for House Amendment No. 2 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 067**

**Akin Alter Backer Ballard Barnett 4**

**Bartelsmeyer Bennett 15 Berkstresser Boatright Broach**

**Burton Carter Chrismer Crawford DeMarce**

**Donovan Edwards-Pavia Elliott Enz Evans**

**Foster Froelker Gaskill Gaston Gibbons**

**Graham 106 Gross Hall Hartzler 123 Hartzler 124**

**Hegeman Hendrickson Hohulin Holand Howerton**

**Kasten Kauffman Kelley 47 Legan Levin**

**Linton Long Loudon Marble McClelland**

**Miller Murphy Naeger Ostmann Patek**

**Pouche Pryor Purgason Reinhart Richardson**

**Ridgeway Robirds Ross Schwab Scott**

**Secrest Shields Steen Stokan Summers**

**Surface Townley**

**NOES: 079**

**Auer Barry 100 Bauer Bonner Boucher**

**Bray 84 Campbell Cierpiot Clayton Cooper**

**Copeland Crump Davis 63 Davis 122 Days**

**Dolan Farmer Farnen Fitzwater Foley**

**Ford Franklin Fritts Graham 24 Gratz**

**Green Griesheimer Gunn Hagan-Harrell Heckemeyer**

**Hickey Hollingsworth Hoppe Hosmer Johnson**

**Kelly 27 Kennedy Kissell Koller Kreider**

**Lakin Lawson Leake Liese Lograsso**

**Lumpe May 108 Mays 50 McBride McLuckie**

**Merideth Monaco Murray Nordwald O'Toole**

**Overschmidt Parker Ransdall Relford Reynolds**

**Rizzo Sallee Schilling Seigfreid Shear**

**Shelton 57 Smith Stroker Tate Treadway**

**Troupe Van Zandt Vogel Wiggins Williams 121**

**Williams 159 Wilson Wooten Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 017**

**Bland Champion Daniel 42 Daniels 41 Dougherty**

**Goward Hand Harlan Luetkenhaus O'Connor**

**Scheve Sheldon 104 Skaggs Stoll Thomason 163**

**Thompson 37 Wannenmacher**

**On motion of Representative Franklin, House Amendment No. 2 was adopted.**

**Representative Legan offered House Amendment No. 3.**

***House Amendment No. 3***

**AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 274, Page 2, Section 313.500, Line 28, by adding the word "Pig" following the word horse**

**Representative Legan moved that House Amendment No. 3 be adopted.**

**Which motion was defeated.**

**SS SCS SB 274, as amended, was laid over.**

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 288**

**Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for House Bill No. 288 as amended by Senate Committee Amendment No. 1 as amended by Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 as amended by Senate Amendment No. 1, Senate Amendment No. 6, Senate Amendment No. 7, and Senate Amendment No. 8 as amended by Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:**

**1. That the Senate recede from its position on Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5 as amended by Senate Amendment No. 1, Senate Amendment No. 6, Senate Amendment**

**No. 7 and Senate Amendment No. 8 as amended by Senate Amendment No. 1 to House Committee Substitute for House Bill No. 288;**

**2. That the House recede from its position on Senate Committee Amendment No. 1 as amended, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1 and Senate Amendment No. 4 to House Committee Substitute for House Bill No. 288;**

**3. That the attached Conference Committee Amendment No. 1 be adopted.**

**4. That House Committee Substitute for House Bill No. 288 with Senate Committee Amendment No. 1 as amended, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 4 and Conference Committee Amendment No. 1 be truly agreed to and finally passed.**

**FOR THE HOUSE: FOR THE SENATE:**

**/s/ Sheila Lumpe /s/ Wayne Goode**

**/s/ Deleta Williams /s/ Harold Caskey**

**/s/ Gary Wiggins /s/ Steve Ehlmann**

**/s/ Joe Maxwell**

**/s/ Franc Flotron**

***Conference Committee Amendment No. 1***

***AMEND House Committee Substitute for House Bill No. 288, Page 1, In the Title, Line 2, by inserting after the figure "640.130," the following: "644.018,"; and***

***Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and***

***Further amend said bill, Page 1, Section A, Line 1, by inserting after the figure "640.130," the following: "644.018,"; and***

***Further amend said bill, Page 1, Section A, Line 2, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and***

***Further amend said bill, Page 1, Section A, Line 4, by deleting all of said line and inserting in lieu thereof the following: "640.120, 640.125, 640.130, 640.131, 640.137, 644.018, 644.101, 644.116, 644.122, 1 and 2, to read as follows:"; and***

***Further amend said bill, Page 10, Section 640.137, Line 17, by inserting after all of said line the following:***

***"644.018. In any contested case filed after May 16, 1997, involving surface water in any flood prone area, if any defendant has obtained and fully complied with a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction pursuant to the zoning laws of this state or the laws and regulations of the Federal Emergency Management Agency, over the area in dispute, then the proper permitting of said project shall be conclusive proof that the project is a reasonable use and meets any reasonable use test imposed by law or by a court."; and***

***Further amend said bill, Page 11, Section 644.122, Line 38, by inserting after all of said line the following:***

*"Section 1. On and after August 28, 1997, in setting just and reasonable rates for any privately owned water company pursuant to chapter 393, RSMo, the public service commission shall give significant weight to, among other factors, the extent to which costs for the purpose of acquisition, design, improvement, construction or operation in one service area impact the customers in another service area of the company.*

*Section 2. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.".*

*BILLS IN CONFERENCE*

*CCR HCS HB 288, relating to public drinking water, was taken up by Representative Lumpe.*

*Representative Shields raised a point of order that the conferees exceeded the differences.*

*The Chair ruled the point of order not well taken.*

*Representative Lumpe moved that CCR HCS HB 288 be adopted.*

*Which motion was defeated by the following vote:*

*AYES: 064*

*Auer Backer Barry 100 Bauer Bland*

*Bonner Boucher Bray 84 Carter Champion*

*Clayton Copeland Crump Davis 63 Days*

*DeMarce Dougherty Farmer Farnen Foley*

*Franklin Fritts Graham 24 Green Gunn*

*Hagan-Harrell Hickey Hollingsworth Hoppe Hosmer*

*Kennedy Koller Kreider Lakin Leake*

*Liese Lumpe May 108 McBride McClelland*

*McLuckie Murphy O'Toole Parker Pryor*

*Ransdall Relford Rizzo Scheve Schilling*

*Shear Shelton 57 Smith Stokan Stroker*

*Tate Thomason 163 Troupe Van Zandt Wiggins*

*Williams 121 Williams 159 Wilson Mr. Speaker*

*NOES: 086*

*Akin Alter Ballard Barnett 4 Bennett 15*

*Berkstresser Boatright Broach Burton Campbell*

*Chrismer Cierpiot Cooper Crawford Davis 122*

*Dolan Donovan Edwards-Pavia Elliott Enz*

*Evans Fitzwater Foster Froelker Graham 106*

*Gratz Griesheimer Gross Hall Harlan*

*Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson*

*Hohulin Holand Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kissell Lawson*

*Legan Levin Linton Lograsso Long*

*Loudon Luetkenhaus Marble Mays 50 Merideth*

*Miller Monaco Murray Naeger Nordwald*

*Ostmann Overschmidt Patek Pouche Purgason*

*Reinhart Reynolds Richardson Ridgeway Robirds*

*Ross Sallee Schwab Scott Secrest*

*Seigfreid Sheldon 104 Shields Steen Summers*

*Surface Townley Treadway Vogel Wannenmacher*

*Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Bartelsmeyer Daniel 42 Daniels 41 Ford Gaskill*

*Gaston Gibbons Goward Hand O'Connor*

*Skaggs Stoll Thompson 37*

*Speaker Gaw resumed the Chair.*

*Representative Lumpe moved that the House refuse to adopt CCR HCS HB 288 and request the Senate to grant the House a further conference.*

*Which motion was adopted.*

*CCR HCS SS SB 248, as amended, relating to courts, was taken up by Representative May (108).*

*On motion of Representative May (108), CCR HCS SS SB 248, as amended, was adopted by the following vote:*

*AYES: 140*

*Akin Alter Auer Ballard Barnett 4*

*Barry 100 Bennett 15 Berkstresser Boatright Bonner*

*Boucher Bray 84 Broach Burton Campbell*

*Carter Champion Chrismer Cierpiot Clayton*

*Cooper Copeland Crawford Daniel 42 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farmer Farnen Fitzwater Foley Foster*

*Franklin Fritts Froelker Gaskill Gaston*

*Gibbons Goward Graham 24 Graham 106 Gratz*

*Green Griesheimer Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Hohulin Holand Hollingsworth*

*Hoppe Hosmer Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kissell Koller*

*Kreider Lakin Lawson Leake Legan*

*Levin Liese Linton Lograsso Luetkenhaus*

*Marble May 108 Mays 50 McBride McClelland*

*McLuckie Merideth Miller Monaco Murphy*

*Murray Naeger Nordwald O'Connor O'Toole*

*Overschmidt Parker Pouche Pryor Purgason*

*Ransdall Reinhart Relford Reynolds Richardson*

*Ridgeway Rizzo Robirds Ross Sallee*

*Scheve Schilling Schwab Scott Secrest*

*Seigfreid Shear Shelton 57 Smith Steen*

*Stokan Stroker Summers Surface Tate*

*Thomason 163 Thompson 37 Townley Treadway Troupe*

*Van Zandt Wannenmacher Williams 159 Wilson Mr. Speaker*

*NOES: 005*

*Backer Gross Loudon Ostmann Patek*

*PRESENT: 000*

*ABSENT WITH LEAVE: 018*

*Bartelsmeyer Bauer Bland Crump Daniels 41*

*Ford Hand Kennedy Long Lumpe*

*Sheldon 104 Shields Skaggs Stoll Vogel*

*Wiggins Williams 121 Wooten*

*On motion of Representative May (108), CCS HCS SS SB 248 was truly agreed to and finally passed by the following vote:*

*AYES: 145*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Crump Davis 63 Davis 122 Days*

*DeMarce Dolan Donovan Dougherty Edwards-Pavia*

*Elliott Enz Evans Farmer Farnen*

*Fitzwater Foley Foster Franklin Fritts*

*Froelker Gaston Gibbons Goward Graham 24*

*Graham 106 Gratz Green Griesheimer Gross*

*Gunn Hagan-Harrell Hall Harlan Hartzler 123*

*Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey*

*Hohulin Holand Hollingsworth Hoppe Hosmer*

*Howerton Kasten Kauffman Kelley 47 Kelly 27*

*Kennedy Kissell Koller Kreider Lakin*

*Lawson Leake Legan Levin Liese*

*Linton Lograsso Luetkenhaus Marble May 108*

*Mays 50 McBride McClelland McLuckie Merideth*

*Miller Monaco Murphy Murray Naeger*

*Nordwald O'Connor O'Toole Ostmann Overschmidt*

*Parker Pouche Pryor Purgason Ransdall*

*Reinhart Relford Richardson Ridgeway Rizzo*

*Robirds Ross Sallee Scheve Schilling*

*Schwab Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Smith Steen Stokan*

*Stroker Summers Surface Tate Thomason 163*

*Thompson 37 Townley Treadway Troupe Van Zandt*

*Wannenmacher Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 003*

*Loudon Patek Scott*

*PRESENT: 000*

*ABSENT WITH LEAVE: 015*

*Bland Daniel 42 Daniels 41 Ford Gaskill*

*Hand Johnson Long Lumpe Reynolds*

*Skaggs Stoll Vogel Wiggins Williams 121*

*Speaker Gaw declared the bill passed.*

*The emergency clause was adopted by the following vote:*

*AYES: 135*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bauer Bennett 15 Bonner*

*Boucher Bray 84 Broach Burton Campbell*

*Carter Champion Cierpiot Clayton Cooper*

*Copeland Crawford Crump Daniel 42 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Enz Evans Farnen*

*Fitzwater Foley Foster Franklin Fritts*

*Froelker Gaskill Gaston Gibbons Goward*

*Graham 24 Graham 106 Gratz Green Griesheimer*

*Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Holand*

*Hollingsworth Hoppe Hosmer Howerton Johnson*

*Kasten Kauffman Kelley 47 Kelly 27 Kennedy*

*Kissell Koller Kreider Lakin Lawson*

*Leake Levin Liese Linton Long*

*Luetkenhaus Marble May 108 Mays 50 McBride*

*McClelland Miller Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Parker Pouche Pryor Ransdall*

*Reinhart Relford Reynolds Richardson Ridgeway*

*Rizzo Robirds Ross Sallee Scheve*

*Schilling Schwab Secrest Seigfreid Shear*

*Sheldon 104 Shelton 57 Shields Smith Steen*

*Stokan Stroker Summers Surface Tate*

*Thomason 163 Thompson 37 Treadway Troupe Van Zandt*

*Wannenmacher Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 014*

*Bartelsmeyer Berkstresser Boatright Chrismer Elliott*

*Gross Hohulin Lograsso Loudon Merideth*

*Patek Purgason Scott Townley*

*PRESENT: 000*

*ABSENT WITH LEAVE: 014*

*Bland Daniels 41 Farmer Ford Hand*

*Harlan Legan Lumpe McLuckie Skaggs*

*Stoll Vogel Wiggins Williams 121*

*On motion of Representative Campbell, title to the bill was agreed to.*

*Representative Copeland moved that the vote by which the bill passed be reconsidered.*

*Representative Boucher moved that motion lay on the table.*

*The latter motion prevailed.*

*CCR SCS HS HB 390, as amended, relating to ambulance services, was taken up by Representative Hoppe.*

*On motion of Representative Hoppe, CCR SCS HS HB 390, as amended, was adopted by the following vote:*

*AYES: 120*

*Alter Backer Ballard Barnett 4 Barry 100*

*Bauer Bennett 15 Berkstresser Bonner Boucher*

*Bray 84 Campbell Carter Champion Chrismer*

*Cierpiot Clayton Cooper Crawford Crump*

*Daniel 42 Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Dolan Donovan Dougherty Edwards-Pavia*

*Enz Evans Farnen Fitzwater Foley*

*Franklin Froelker Gaskill Gaston Gibbons*

*Goward Graham 24 Green Griesheimer Gross*

*Gunn Hagan-Harrell Hall Harlan Hartzler 123*

*Hartzler 124 Hegeman Hendrickson Hickey Holand*

*Hollingsworth Hoppe Hosmer Howerton Johnson*

*Kauffman Kelley 47 Kelly 27 Kennedy Kissell*

*Kreider Lakin Lawson Leake Levin*

*Liese Linton Lograsso Loudon Luetkenhaus*

*Lumpe May 108 Mays 50 McBride McClelland*

*McLuckie Monaco Murray Naeger Nordwald*

*O'Connor O'Toole Overschmidt Parker Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Ridgeway Rizzo Robirds Ross*

*Sallee Schilling Scott Secrest Seigfreid*

*Sheldon 104 Shelton 57 Steen Stokan Stroker*

*Summers Tate Troupe Van Zandt Vogel*

*Wiggins Williams 121 Williams 159 Wilson Mr. Speaker*

*NOES: 033*

*Akin Auer Bartelsmeyer Boatright Broach*

*Burton Copeland Elliott Farmer Foster*

*Fritts Graham 106 Gratz Heckemeyer Hohulin*

*Kasten Koller Legan Long Marble*

*Merideth Miller Murphy Patek Richardson*

*Schwab Smith Surface Thomason 163 Townley*

*Treadway Wannenmacher Wooten*

*PRESENT: 001*

*Shields*

*ABSENT WITH LEAVE: 009*

*Bland Ford Hand Ostmann Scheve*

*Shear Skaggs Stoll Thompson 37*

*On motion of Representative Hoppe, CCS SCS HS HB 390 was read the third time and passed by the following vote:*

*AYES: 124*

*Alter Backer Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bennett 15 Berkstresser Bonner Boucher*

*Bray 84 Campbell Carter Chrismer Cierpiot*

*Clayton Crawford Crump Daniel 42 Daniels 41*

*Davis 63 Davis 122 Days DeMarce Dolan*

*Donovan Dougherty Edwards-Pavia Enz Evans*

*Farmer Farnen Fitzwater Foley Foster*

*Franklin Fritts Froelker Gaskill Gaston*

*Gibbons Goward Graham 24 Griesheimer Gross*

*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*

*Hegeman Hendrickson Hickey Holand Hollingsworth*

*Hoppe Hosmer Howerton Johnson Kasten*

*Kauffman Kelley 47 Kennedy Kissell Koller*

*Kreider Lakin Lawson Leake Levin*

*Liese Lograsso Long Loudon Luetkenhaus*

*Lumpe Marble May 108 Mays 50 McBride*

*McClelland McLuckie Monaco Murray Naeger*

*Nordwald O'Connor O'Toole Overschmidt Parker*

*Patek Pouche Pryor Purgason Ransdall*

*Reinhart Relford Reynolds Ridgeway Rizzo*

*Robirds Ross Sallee Scheve Schilling*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Steen Stokan Stroker Summers Tate*

*Troupe Van Zandt Vogel Wannenmacher Wiggins*

*Williams 121 Williams 159 Wilson Mr. Speaker*

*NOES: 022*

*Akin Auer Boatright Broach Burton*

*Copeland Elliott Graham 106 Gratz Heckemeyer*

*Hohulin Legan Merideth Miller Murphy*

*Richardson Schwab Smith Surface Thomason 163*

*Townley Wooten*

*PRESENT: 001*

*Shields*

*ABSENT WITH LEAVE: 016*

*Bauer Bland Champion Cooper Ford*

*Green Gunn Hand Kelly 27 Linton*

*Ostmann Shelton 57 Skaggs Stoll Thompson 37*

*Treadway*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Relford, title to the bill was agreed to.*

*Representative Reynolds moved that the vote by which the bill passed be reconsidered.*

*Representative Ransdall moved that motion lay on the table.*

*The latter motion prevailed.*

*CONFERENCE COMMITTEE REPORT*

*ON*

*SENATE COMMITTEE SUBSTITUTE*

*FOR*

*HOUSE SUBSTITUTE*

*FOR*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*HOUSE BILL NO. 738*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 738;*

*2. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 738 as amended by Senate Amendment Nos. 1, 2, 3, 4, 5, 7 and 9;*

*3. That the attached Conference Committee Substitute be adopted.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Craig Hosmer /s/ Harold Caskey*

*/s/ Phil Smith /s/ Ken Jacob*

*/s/ Deleta Williams /s/ Wayne Goode*

*/s/ Bill Alter /s/ Steve Ehlmann*

*/s/ Jewell Patek /s/ Marvin Singleton*

*CCR SCS HS HCS HB 738, as amended, relating to zero tolerance, was taken up by Representative Hosmer.*

*On motion of Representative Hosmer, Rule 60 (b) was suspended and CCR SCS HS HCS HB 738, as amended, was adopted by the following vote:*

*AYES: 143*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Crawford*

*Crump Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Dolan Donovan Dougherty Edwards-Pavia*

*Elliott Enz Evans Farmer Farnen*

*Fitzwater Ford Foster Franklin Fritts*

*Froelker Gaskill Gaston Gibbons Goward*

*Graham 24 Graham 106 Griesheimer Gross Gunn*

*Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Holand*

*Hoppe Hosmer Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kennedy Kissell*

*Koller Lakin Lawson Leake Legan*

*Levin Liese Linton Lograsso Long*

*Loudon Luetkenhaus Lumpe Marble May 108*

*McBride McClelland McLuckie Merideth Miller*

*Monaco Murphy Murray Naeger Nordwald*

*Ostmann Overschmidt Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Relford*

*Reynolds Richardson Ridgeway Rizzo Robirds*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Smith Steen Summers*

*Surface Tate Thomason 163 Townley Troupe*

*Van Zandt Vogel Wannenmacher Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 006*

*Copeland Gratz Green Kreider Treadway*

*Wiggins*

*PRESENT: 000*

*ABSENT WITH LEAVE: 014*

*Bland Daniel 42 Foley Hand Hohulin*

*Hollingsworth Mays 50 O'Connor O'Toole Skaggs*

*Stokan Stoll Stroker Thompson 37*

*On motion of Representative Hosmer, CCS SCS HS HCS HB 738 was read the third time and passed by the following vote:*

*AYES: 145*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Cierpiot Clayton Cooper*

*Crawford Crump Daniels 41 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Edwards-Pavia*

*Elliott Enz Evans Farmer Farnen*

*Fitzwater Foster Franklin Fritts Froelker*

*Gaskill Gaston Goward Graham 24 Graham 106*

*Green Griesheimer Gross Gunn Hagan-Harrell*

*Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer*

*Hegeman Hendrickson Hickey Hohulin Holand*

*Hosmer Howerton Johnson Kasten Kauffman*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lawson Leake Legan Levin*

*Liese Linton Lograsso Long Loudon*

*Luetkenhaus Lumpe Marble May 108 McBride*

*McClelland McLuckie Merideth Miller Monaco*

*Murphy Murray Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Patek*

*Pouche Pryor Purgason Ransdall Reinhart*

*Relford Reynolds Richardson Ridgeway Rizzo*

*Robirds Ross Sallee Scheve Schilling*

*Schwab Scott Secrest Seigfreid Shear*

*Sheldon 104 Shelton 57 Shields Smith Steen*

*Stokan Stroker Summers Surface Tate*

*Thomason 163 Townley Troupe Van Zandt Vogel*

*Wannenmacher Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 004*

*Copeland Gratz Treadway Wiggins*

*PRESENT: 000*

*ABSENT WITH LEAVE: 014*

*Daniel 42 Dougherty Foley Ford Gibbons*

*Hand Hollingsworth Hoppe Lakin Mays 50*

*Skaggs Stoll Thompson 37 Williams 121*

*Speaker Gaw declared the bill passed.*

*The emergency clause was adopted by the following vote:*

*AYES: 127*

*Alter Auer Backer Ballard Barnett 4*

*Barry 100 Bauer Bennett 15 Berkstresser Bonner*

*Boucher Bray 84 Broach Burton Campbell*

*Carter Champion Cierpiot Cooper Crump*

*Daniels 41 Davis 63 Davis 122 Days DeMarce*

*Dolan Donovan Elliott Enz Evans*

*Farmer Farnen Fitzwater Foster Franklin*

*Fritts Froelker Gaskill Gibbons Goward*

*Graham 24 Graham 106 Green Griesheimer Gross*

*Gunn Hagan-Harrell Hall Harlan Hartzler 123*

*Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey*

*Holand Hosmer Johnson Kasten Kauffman*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lakin Lawson Levin Liese*

*Linton Long Loudon Luetkenhaus Lumpe*

*Marble May 108 McBride McClelland McLuckie*

*Miller Monaco Murphy Murray Naeger*

*Nordwald O'Connor O'Toole Ostmann Overschmidt*

*Parker Patek Pouche Pryor Ransdall*

*Relford Reynolds Richardson Rizzo Robirds*

*Ross Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Smith Stokan Stroker*

*Summers Surface Thomason 163 Townley Troupe*

*Van Zandt Vogel Wannenmacher Williams 159 Wilson*

*Wooten Mr. Speaker*

*NOES: 019*

*Akin Bartelsmeyer Boatright Chrismer Copeland*

*Crawford Edwards-Pavia Gaston Gratz Hohulin*

*Howerton Leake Merideth Purgason Reinhart*

*Ridgeway Steen Treadway Wiggins*

*PRESENT: 000*

*ABSENT WITH LEAVE: 017*

*Bland Clayton Daniel 42 Dougherty Foley*

*Ford Hand Hollingsworth Hoppe Legan*

*Lograsso Mays 50 Skaggs Stoll Tate*

*Thompson 37 Williams 121*

*On motion of Representative McLuckie, title to the bill was agreed to.*

*Representative Ransdall moved that the vote by which the bill passed be reconsidered.*

*Representative Relford moved that motion lay on the table.*

*The latter motion prevailed.*

*MESSAGES FROM THE SENATE*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on HS HCS SS SB 121, as amended, and has taken up and passed CCS HS HCS SS SB 121.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on HCS SS SCS SB 165, as amended by the SPA 1, and has taken up and passed CCS HCS SS SCS SB 165, as amended by CCR.*

*Senate Perfecting Amendment No. 1*

*AMEND Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 47, Section 99.84, Line 20, by deleting the word "or" after the word "constitution" in said line and inserting the following: ". Beginning January 1, 1998, for the purposes of this section, "levies upon real property in such redevelopment project by taxing districts" shall not include:"*

*and add the following Section to the end of the bill:*

*Section 47. Two commissioners shall be appointed to the Jackson County Sports Complex Authority in addition to the five commissioners authorized in section 64.930, RSMo. Such commissioners shall be appointed to serve one-year terms. One commissioner authorized by the provisions of this section shall be the mayor of Kansas City or the mayor's designee. Such designee shall be an elected member of the Kansas City Council. One commissioner authorized by the provisions of this section shall be the chairman of Jackson County Legislature or the chairman's designee. Such designee shall be an elected member of the Jackson County Legislature.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report No. 2 on HS HCS SB 21 as amended, and has taken up and passed CCS HS HCS SB 21.*

*Emergency Clause Adopted.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grant further conference on HCS HB 288 as amended.*

*The President Pro Tem has appointed the following Conferees: Goode, Caskey, Maxwell, Flotron and Ehlmann.*

*RE-APPOINTMENT OF CONFERENCE COMMITTEE*

*The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:*

*HCS HB 288: Representatives Lumpe, Wiggins, Williams (121), Griesheimer, and Crawford.*

*CONFERENCE COMMITTEE REPORT*

*ON*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*SENATE SUBSTITUTE*

*FOR*

*SENATE COMMITTEE SUBSTITUTE*

*FOR*

*SENATE BILL NO. 165*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 22, House Amendment No. 23 with House Amendment No. 1 to House Amendment No. 23, House Amendment No. 24, House Amendment No. 25 with House Amendment Nos. 1 and 2 to House Amendment No. 25, with House Amendment Nos. 26, 28, House Substitute Amendment No. 1 to House Amendment No. 30, House Amendment Nos. 31, 32 and 34; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, as amended;*

*2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 165;*

*3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Henry Rizzo /s/ James Mathewson*

*/s/ May Scheve /s/ Ronnie DePasco*

*/s/ Phil Tate /s/ John Scott*

*/s/ Bonnie Sue Cooper /s/ Peter Kinder*

*/s/ Fred Pouche /s/ Doyle Childers*

*BILL IN CONFERENCE*

*CCR HCS SS SCS SB 165, with Senate Perfecting Amendment No. 1, relating to economic development, was taken up by Representative Rizzo.*

*Senate Perfecting Amendment No. 1*

*AMEND Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165, Page 47, Section 99.84, Line 20, by deleting the word "or" after the word "constitution" in said line and inserting the following: ". Beginning January 1, 1998, for the purposes of this section, "levies upon real property in such redevelopment project by taxing districts" shall not include:"*

*and add the following Section to the end of the bill:*

*Section 47. Two commissioners shall be appointed to the Jackson County Sports Complex Authority in addition to the five commissioners authorized in section 64.930, RSMo. Such commissioners shall be appointed to serve one-year terms. One commissioner authorized by the provisions of this section shall be the mayor of Kansas City or the mayor's designee. Such designee shall be an elected member of the Kansas City Council. One commissioner authorized by the provisions of this section shall be the chairman of Jackson County Legislature or the chairman's designee. Such designee shall be an elected member of the Jackson County Legislature.*

*On motion of Representative Rizzo, Senate Perfecting Amendment No. 1 was adopted.*

*On motion of Representative Rizzo, CCR HCS SS SCS SB 165, as amended, was adopted by the following vote:*

*AYES: 129*

*Alter Auer Backer Ballard Barnett 4*
*Barry 100 Bartelsmeyer Bauer Berkstresser Bland*
*Boatright Bonner Bray 84 Broach Burton*
*Campbell Carter Champion Chrismer Cierpiot*
*Clayton Cooper Crawford Crump Daniel 42*
*Davis 63 Davis 122 Days DeMarce Dolan*
*Donovan Dougherty Evans Farmer Farnen*
*Fitzwater Foley Foster Fritts Froelker*
*Gaskill Gaston Gibbons Graham 24 Graham 106*
*Gratz Green Gross Gunn Hagan-Harrell*
*Harlan Hartzler 123 Heckemeyer Hegeman Hickey*
*Holand Hollingsworth Hoppe Howerton Johnson*
*Kasten Kauffman Kelley 47 Kelly 27 Kennedy*
*Kissell Kreider Lawson Leake Legan*
*Levin Liese Linton Luetkenhaus Lumpe*
*Marble May 108 Mays 50 McBride McClelland*
*McLuckie Merideth Miller Monaco Murray*
*Naeger Nordwald O'Toole Ostmann Overschmidt*
*Parker Pouche Pryor Purgason Ransdall*
*Reinhart Relford Reynolds Richardson Ridgeway*
*Rizzo Robirds Ross Sallee Scheve*
*Schilling Schwab Secrest Seigfreid Shear*
*Shelton 57 Shields Smith Steen Stokan*
*Stroker Summers Tate Thomason 163 Townley*
*Treadway Van Zandt Vogel Wannenmacher Wiggins*
*Williams 121 Williams 159 Wilson Mr. Speaker*

*NOES: 011*

*Akin Edwards-Pavia Enz Griesheimer Hartzler 124*
*Hendrickson Hohulin Loudon Murphy Patek*
*Surface*

*PRESENT: 000*

*ABSENT WITH LEAVE: 023*

*Bennett 15 Boucher Copeland Daniels 41 Elliott*
*Ford Franklin Goward Hall Hand*

*Hosmer Koller Lakin Lograsso Long*

*O'Connor Scott Sheldon 104 Skaggs Stoll*

*Thompson 37 Troupe Wooten*

*On motion of Representative Rizzo, CCS HCS SS SCS SB 165, as amended by the CCR, was truly agreed to and finally passed by the following vote:*

*AYES: 138*

*Alter Auer Backer Ballard Barnett 4*

*Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser*

*Bland Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Crawford*

*Crump Daniel 42 Daniels 41 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Dougherty*

*Elliott Evans Farmer Farnen Fitzwater*

*Foley Ford Foster Franklin Fritts*

*Froelker Gaskill Gaston Gibbons Graham 24*

*Graham 106 Gratz Green Griesheimer Gross*

*Hagan-Harrell Hall Harlan Hartzler 123 Heckemeyer*

*Hegeman Hickey Holand Hollingsworth Hoppe*

*Howerton Kasten Kauffman Kelley 47 Kelly 27*

*Kennedy Kissell Koller Kreider Lawson*

*Leake Legan Levin Luetkenhaus Lumpe*

*Marble May 108 Mays 50 McBride McClelland*

*McLuckie Merideth Miller Monaco Murray*

*Naeger Nordwald O'Toole Ostmann Overschmidt*

*Parker Pouche Pryor Purgason Ransdall*

*Reinhart Relford Reynolds Richardson Ridgeway*

*Rizzo Robirds Ross Sallee Scheve*

*Schilling Schwab Scott Secrest Seigfreid*

*Shear Sheldon 104 Shelton 57 Shields Smith*

*Steen Stokan Stroker Summers Tate*

*Thomason 163 Thompson 37 Townley Treadway Van Zandt*

*Vogel Wannenmacher Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 012*

*Akin Edwards-Pavia Enz Hartzler 124 Hendrickson*

*Hohulin Liese Linton Loudon Murphy*

*Patek Surface*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Copeland Goward Gunn Hand Hosmer*

*Johnson Lakin Lograsso Long O'Connor*

*Skaggs Stoll Troupe*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Scheve, title to the bill was agreed to.*

*Representative Stokan moved that the vote by which the bill passed be reconsidered.*

*Representative Schilling moved that motion lay on the table.*

*The latter motion prevailed.*

*THIRD READING OF SENATE BILL*

*SS SCS SB 274, as amended, relating to off -track pari-mutuel wagering, was again taken up by Representative Crump.*

*Representative Backer moved the previous question.*

*Which motion was adopted by the following vote:*

*AYES: 083*

*Auer Backer Barry 100 Bauer Bennett 15*

*Bland Bonner Boucher Bray 84 Campbell*

*Carter Clayton Copeland Crump Daniel 42*

*Davis 63 Davis 122 Days DeMarce Dougherty*

*Farmer Farnen Fitzwater Foley Ford*

*Franklin Fritts Goward Graham 24 Gratz*

*Green Gunn Hagan-Harrell Harlan Heckemeyer*

*Hickey Hollingsworth Hoppe Hosmer Johnson*

*Kelly 27 Kennedy Kissell Koller Kreider*

*Lakin Lawson Leake Liese Luetkenhaus*

*Lumpe May 108 Mays 50 McBride McLuckie*

*Monaco Murray O'Connor O'Toole Overschmidt*

*Parker Ransdall Relford Reynolds Scheve*

*Schilling Seigfreid Shear Sheldon 104 Shelton 57*

*Smith Stokan Stroker Tate Thomason 163*

*Treadway Troupe Van Zandt Wiggins Williams 121*

*Williams 159 Wilson Mr. Speaker*

*NOES: 075*

*Akin Alter Ballard Barnett 4 Bartelsmeyer*

*Berkstresser Boatright Broach Burton Champion*

*Chrismer Cierpiot Cooper Crawford Daniels 41*

*Dolan Donovan Edwards-Pavia Elliott Enz*

*Evans Foster Froelker Gaskill Gaston*

*Gibbons Graham 106 Griesheimer Gross Hall*

*Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin*

*Holand Howerton Kasten Kauffman Kelley 47*

*Legan Levin Linton Lograsso Long*

*Loudon Marble McClelland Merideth Miller*

*Murphy Naeger Nordwald Ostmann Patek*

*Pouche Pryor Purgason Reinhart Richardson*

*Ridgeway Robirds Ross Sallee Schwab*

*Scott Secrest Shields Steen Summers*

*Surface Townley Vogel Wannenmacher Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 005*

*Hand Rizzo Skaggs Stoll Thompson 37*

*Representative Crump moved that SS SCS SB 274, as amended, be read the third time and passed.*

*Which motion was defeated by the following vote:*

*AYES: 048*

*Bauer Carter Cooper Copeland Crump*

*Daniels 41 Davis 63 Davis 122 Days Donovan*

*Farmer Farnen Fitzwater Foley Ford*

*Gibbons Graham 24 Gratz Green Hagan-Harrell*

*Hickey Johnson Kennedy Kissell Leake*

*Liese Luetkenhaus Lumpe May 108 Mays 50*

*McBride Monaco Murray Naeger Nordwald*

*O'Toole Overschmidt Relford Reynolds Scheve*

*Shear Sheldon 104 Shelton 57 Stroker Troupe*

*Vogel Williams 159 Mr. Speaker*

*NOES: 103*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bennett 15 Berkstresser*

*Bland Boatright Bonner Boucher Bray 84*

*Broach Burton Campbell Champion Chrismer*

*Cierpiot Clayton Crawford Daniel 42 DeMarce*

*Dolan Dougherty Edwards-Pavia Elliott Enz*

*Evans Foster Franklin Fritts Froelker*

*Gaskill Gaston Graham 106 Griesheimer Gross*

*Gunn Hall Hartzler 123 Hartzler 124 Heckemeyer*

*Hegeman Hendrickson Hohulin Holand Hollingsworth*

*Howerton Kasten Kauffman Kelley 47 Kelly 27*

*Koller Lakin Lawson Legan Levin*

*Linton Lograsso Long Loudon Marble*

*McClelland McLuckie Merideth Miller Murphy*

*O'Connor Ostmann Parker Patek Pouche*

*Pryor Purgason Ransdall Reinhart Richardson*

*Ridgeway Robirds Ross Sallee Schilling*

*Schwab Scott Secrest Seigfreid Shields*

*Smith Steen Stokan Summers Surface*

*Tate Townley Treadway Van Zandt Wannenmacher*

*Wiggins Wilson Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Goward Hand Harlan Hoppe Hosmer*

*Kreider Rizzo Skaggs Stoll Thomason 163*

*Thompson 37 Williams 121*

*CONFERENCE COMMITTEE REPORT*

*ON*

*SENATE SUBSTITUTE*

*FOR*

*SENATE COMMITTEE SUBSTITUTE*

*FOR*

*HOUSE BILL NO. 32*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on Senate Substitute for Senate Committee Substitute for House Bill No. 32, with Senate Amendment Nos. 2, 3, 6 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Amendment Nos. 2, 3 and 6 to Senate Substitute for Senate Committee Substitute for House Bill No. 32;*

*2. That the House recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 32 and on Senate Amendment No. 7;*

*3. That the attached Conference Committee Amendment No. 1 be adopted;*

*4. That Senate Substitute for Senate Committee Substitute for House Bill No. 32, with Senate Amendment No. 7 and Conference Committee Amendment No. 1 be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Mary Bland /s/ J. B. Banks*

*/s/ Wayne Crump Ken Jacob*

*/s/ Joseph Treadway /s/ Joe Maxwell*

*/s/ John Griesheimer /s/ Marvin Singleton*

*/s/ Roy Holand /s/ Walt Mueller*

*Conference Committee Amendment No. 1*

*AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 32, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:*

*"To repeal section 191.227, RSMo 1994, relating to certain health care providers, and to enact in lieu thereof seven new sections relating to the same subject."; and*

*Further amend said bill, Page 1, Section 1, Line 1, by inserting immediately before all of said line the following:*

*"Section A. Section 191.227, RSMo 1994, is repealed and seven new sections enacted in lieu thereof, to be known as sections 191.227, 1, 2, 3, 4, 5 and 6, to read as follows:*

*191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished [within a reasonable time of the receipt of the request therefor and] in accordance with the time limit in subsection 4 of this section and upon payment of a handling fee of [fifteen] twenty-five dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.*

*2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.*

*3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any*

*other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.*

*4. Such records will be furnished within thirty days of the postmark of the request for such records. When such records are copied and produced by the provider, they shall be attested to as to accuracy and completeness and shall have a cover affidavit attesting to their production as business records of the provider in compliance with section 490.692, RSMo, and such records are admissible as business records per sections 490.660 to 490.690, RSMo. If such records are not produced in full compliance with this section, then all costs and charges shall be waived.".*

*BILLS IN CONFERENCE*

*CCR SS SCS HB 32, as amended, relating to essential community providers, was taken up by Representative Bland.*

*On motion of Representative Bland, CCR SS SCS HB 32, as amended, was adopted by the following vote:*

*AYES: 116*

*Alter Backer Ballard Barnett 4 Barry 100*

*Bartelsmeyer Bauer Berkstresser Bland Bonner*

*Boucher Bray 84 Broach Campbell Carter*

*Champion Cierpiot Clayton Cooper Copeland*

*Crump Daniel 42 Daniels 41 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Dougherty*

*Edwards-Pavia Enz Evans Farnen Fitzwater*

*Foley Foster Franklin Fritts Froelker*

*Gaskill Gaston Gibbons Graham 24 Green*

*Griesheimer Gunn Hagan-Harrell Harlan Hartzler 123*

*Heckemeyer Hegeman Hickey Holand Hollingsworth*

*Howerton Kasten Kelly 27 Kennedy Kissell*

*Koller Lawson Leake Levin Liese*

*Long Luetkenhaus Lumpe May 108 Mays 50*

*McBride McClelland McLuckie Merideth Monaco*

*Murray Naeger Nordwald O'Connor O'Toole*

*Ostmann Overschmidt Parker Pouche Ransdall*

*Reinhart Relford Reynolds Ridgeway Rizzo*

*Robirds Ross Sallee Scheve Schilling*

*Schwab Scott Shear Sheldon 104 Shelton 57*

*Shields Smith Stokan Stroker Summers*

*Tate Thomason 163 Treadway Troupe Van Zandt*

*Vogel Wiggins Williams 159 Wilson Wooten*

*Mr. Speaker*

*NOES: 031*

*Akin Auer Bennett 15 Boatright Burton*

*Chrismer Crawford Elliott Graham 106 Gross*

*Hall Hartzler 124 Hendrickson Hohulin Kauffman*

*Kelley 47 Legan Linton Lograsso Loudon*

*Marble Miller Murphy Patek Pryor*

*Purgason Richardson Secrest Surface Townley*

*Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 016*

*Farmer Ford Goward Gratz Hand*

*Hoppe Hosmer Johnson Kreider Lakin*

*Seigfreid Skaggs Steen Stoll Thompson 37*

*Williams 121*

*On motion of Representative Bland, SS SCS HB 32, as amended by the CCR, was read the third time and passed by the following vote:*

*AYES: 118*

*Alter Backer Ballard Barnett 4 Barry 100*

*Bauer Berkstresser Bland Bonner Boucher*

*Bray 84 Broach Campbell Carter Champion*

*Cierpiot Clayton Cooper Copeland Crump*

*Daniel 42 Daniels 41 Davis 63 Davis 122 Days*

*DeMarce Donovan Dougherty Edwards-Pavia Farmer*

*Farnen Fitzwater Foley Foster Franklin*

*Fritts Froelker Gaskill Gibbons Graham 24*

*Graham 106 Green Griesheimer Gunn Hagan-Harrell*

*Harlan Hartzler 123 Heckemeyer Hegeman Hickey*

*Holand Hollingsworth Hoppe Howerton Johnson*

*Kasten Kelley 47 Kelly 27 Kennedy Kissell*

*Koller Kreider Lawson Leake Levin*

*Long Luetkenhaus Lumpe May 108 Mays 50*

*McBride McClelland McLuckie Merideth Monaco*

*Murray Naeger Nordwald O'Connor O'Toole*

*Overschmidt Parker Pouche Ransdall Reinhart*

*Relford Reynolds Richardson Ridgeway Rizzo*

*Robirds Ross Sallee Scheve Schilling*

*Schwab Scott Seigfreid Shear Sheldon 104*

*Shelton 57 Shields Smith Steen Stokan*

*Stroker Summers Tate Thomason 163 Treadway*

*Troupe Van Zandt Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 033*

*Akin Auer Bartelsmeyer Bennett 15 Boatright*

*Burton Chrismer Crawford Elliott Enz*

*Evans Gaston Gross Hall Hartzler 124*

*Hendrickson Hohulin Kauffman Legan Linton*

*Lograsso Loudon Marble Miller Murphy*

*Patek Pryor Purgason Secrest Surface*

*Townley Vogel Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 012*

*Dolan Ford Goward Gratz Hand*

*Hosmer Lakin Liese Ostmann Skaggs*

*Stoll Thompson 37*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Farmer, title to the bill was agreed to.*

*Representative Kennedy moved that the vote by which the bill passed be reconsidered.*

*Representative Kissell moved that motion lay on the table.*

*The latter motion prevailed.*

*CCR HS HCS SS SB 121, as amended, relating to seat belts and riding in truck beds, was taken up by Representative Williams (121).*

*Representative Backer moved the previous question.*

*Which motion was adopted by the following vote:*

*AYES: 082*

*Auer Backer Barry 100 Bauer Bonner*

*Boucher Bray 84 Campbell Carter Clayton*

*Copeland Crump Daniel 42 Davis 63 Davis 122*

*Days DeMarce Donovan Dougherty Farmer*

*Farnen Fitzwater Foley Ford Franklin*

*Fritts Graham 24 Green Griesheimer Gunn*

*Hagan-Harrell Hall Harlan Heckemeyer Hickey*

*Hollingsworth Hoppe Johnson Kelly 27 Kennedy*

*Kissell Koller Kreider Lawson Leake*

*Liese Luetkenhaus Lumpe May 108 Mays 50*

*McBride McLuckie Monaco Murray O'Connor*

*O'Toole Ostmann Overschmidt Parker Pouche*

*Ransdall Relford Reynolds Rizzo Scheve*

*Schilling Seigfreid Shear Shelton 57 Shields*

*Smith Stokan Stroker Tate Thomason 163*

*Treadway Van Zandt Wiggins Williams 121 Williams 159*

*Wilson Mr. Speaker*

*NOES: 071*

*Akin Alter Ballard Barnett 4 Bartelsmeyer*

*Bennett 15 Berkstresser Boatright Broach Burton*

*Champion Chrismer Cooper Crawford Daniels 41*

*Dolan Edwards-Pavia Elliott Enz Evans*

*Foster Froelker Gaskill Gaston Gibbons*

*Goward Graham 106 Gross Hartzler 123 Hartzler 124*

*Hegeman Hendrickson Hohulin Holand Howerton*

*Kasten Kauffman Kelley 47 Legan Levin*

*Linton Lograsso Long Loudon Marble*

*McClelland Merideth Miller Murphy Naeger*

*Nordwald Patek Pryor Purgason Reinhart*

*Richardson Ridgeway Robirds Ross Sallee*

*Schwab Scott Secrest Steen Summers*

*Surface Townley Troupe Vogel Wannenmacher*

*Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 010*

*Bland Cierpiot Gratz Hand Hosmer*

*Lakin Sheldon 104 Skaggs Stoll Thompson 37*

*On motion of Representative Williams (121), CCR HS HCS SS SB 121, as amended, was adopted by the following vote:*

*AYES: 092*

*Alter Auer Backer Barry 100 Bauer*

*Bonner Boucher Bray 84 Broach Campbell*

*Carter Chrismer Cooper Copeland Davis 63*

*Davis 122 Days Dolan Donovan Dougherty*

*Farmer Farnen Fitzwater Foley Foster*

*Franklin Fritts Gibbons Graham 24 Graham 106*

*Green Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hendrickson Hickey Holand*

*Hollingsworth Hoppe Howerton Johnson Kasten*

*Kauffman Kelley 47 Kelly 27 Kennedy Kissell*

*Lawson Legan Levin Liese Long*

*Luetkenhaus Lumpe May 108 Mays 50 McClelland*

*McLuckie Monaco Murphy Murray Nordwald*

*O'Connor O'Toole Ostmann Ransdall Relford*

*Reynolds Richardson Rizzo Robirds Sallee*

*Scheve Schilling Secrest Seigfreid Shear*

*Shelton 57 Shields Smith Stokan Stroker*

*Summers Surface Tate Van Zandt Williams 121*

*Wilson Mr. Speaker*

*NOES: 051*

*Akin Ballard Barnett 4 Bartelsmeyer Bennett 15*

*Berkstresser Boatright Burton Clayton Crawford*

*Crump Daniel 42 DeMarce Edwards-Pavia Elliott*

*Enz Evans Gaskill Gratz Griesheimer*

*Hartzler 124 Heckemeyer Hegeman Hohulin Koller*

*Kreider Linton Lograsso Loudon Marble*

*Merideth Miller Naeger Overschmidt Parker*

*Patek Pouche Pryor Purgason Reinhart*

*Ross Schwab Scott Sheldon 104 Steen*

*Thomason 163 Townley Treadway Vogel Williams 159*

*Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 020*

*Bland Champion Cierpiot Daniels 41 Ford*

*Froelker Gaston Goward Hand Hosmer*

*Lakin Leake McBride Ridgeway Skaggs*

*Stoll Thompson 37 Troupe Wannenmacher Wiggins*

*On motion of Representative Williams (121), CCS HS HCS SS SB 121 was truly agreed to and finally passed by the following vote:*

*AYES: 098*

*Alter Auer Backer Barry 100 Bauer*

*Bonner Boucher Bray 84 Broach Campbell*

*Carter Champion Chrismer Cierpiot Cooper*

*Copeland Davis 63 Davis 122 Days Dolan*

*Donovan Dougherty Edwards-Pavia Farmer Farnen*

*Fitzwater Foley Franklin Fritts Gibbons*

*Goward Graham 24 Graham 106 Green Gross*

*Gunn Hagan-Harrell Harlan Hartzler 123 Hendrickson*

*Holand Hollingsworth Hoppe Howerton Johnson*

*Kasten Kauffman Kelley 47 Kelly 27 Kennedy*

*Kissell Lawson Legan Levin Liese*

*Long Luetkenhaus Lumpe May 108 Mays 50*

*McClelland McLuckie Monaco Murphy Murray*

*Nordwald O'Connor O'Toole Ostmann Pouche*

*Ransdall Relford Reynolds Richardson Rizzo*

*Robirds Sallee Scheve Schilling Schwab*

*Scott Secrest Seigfreid Shear Shelton 57*

*Shields Smith Stokan Stroker Summers*

*Surface Tate Treadway Troupe Van Zandt*

*Wannenmacher Williams 121 Wilson*

*NOES: 052*

*Akin Ballard Barnett 4 Bartelsmeyer Bennett 15*

*Berkstresser Boatright Burton Clayton Crawford*

*Crump Daniel 42 DeMarce Elliott Enz*

*Evans Foster Froelker Gaskill Gaston*

*Gratz Griesheimer Hartzler 124 Heckemeyer Hegeman*

*Hickey Hohulin Koller Kreider Leake*

*Linton Lograsso Loudon Marble McBride*

*Merideth Miller Naeger Overschmidt Parker*

*Patek Pryor Purgason Reinhart Ridgeway*

*Ross Sheldon 104 Steen Townley Vogel*

*Williams 159 Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 013*

*Bland Daniels 41 Ford Hall Hand*

*Hosmer Lakin Skaggs Stoll Thomason 163*

*Thompson 37 Wiggins Mr. Speaker*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Carter, title to the bill was agreed to.*

*Representative Campbell moved that the vote by which the bill passed be reconsidered.*

*Representative Dougherty moved that motion lay on the table.*

*The latter motion prevailed.*

*CONFERENCE COMMITTEE REPORT NO. 2*

*ON*

*HOUSE SUBSTITUTE*

*FOR*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*SENATE BILL NO. 21*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for House Committee Substitute for Senate Bill No. 21, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 21, as amended;*

*2. That the Senate recede from its position on Senate Bill No. 21;*

*3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 21 be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Thomas Hoppe /s/ Mike Lybyer*

*/s/ Craig Hosmer /s/ Sidney Johnson*

*/s/ Jim Kreider /s/ William Clay*

*/s/ Marilyn Edwards-Pavia /s/ Roseann Bentley*

*/s/ Jim Froelker /s/ Doyle Childers*

*CCR #2 HS HCS SB 21, as amended, relating to sales tax, was taken up by Representative Hoppe.*

*Representative Backer moved the previous question.*

*Which motion was adopted by the following vote:*

*AYES: 086*

*Auer Backer Barry 100 Bartelsmeyer Bauer*
*Berkstresser Bonner Boucher Bray 84 Campbell*
*Carter Clayton Cooper Copeland Crump*
*Daniel 42 Davis 63 Davis 122 Days DeMarce*
*Dolan Donovan Dougherty Farmer Farnen*
*Fitzwater Foley Franklin Fritts Gaskill*
*Graham 24 Gratz Griesheimer Gunn Hagan-Harrell*
*Harlan Heckemeyer Hickey Hollingsworth Hoppe*
*Johnson Kelly 27 Kennedy Kissell Koller*
*Kreider Lawson Leake Liese Luetkenhaus*
*Lumpe May 108 Mays 50 McBride McLuckie*
*Miller Monaco Murray O'Connor O'Toole*
*Overschmidt Parker Ransdall Relford Reynolds*
*Rizzo Scheve Schilling Seigfreid Shear*
*Sheldon 104 Shelton 57 Smith Stokan Stroker*
*Summers Tate Thomason 163 Treadway Troupe*
*Van Zandt Wiggins Williams 121 Williams 159 Wilson*
*Mr. Speaker*

*NOES: 066*

*Akin Alter Ballard Barnett 4 Bennett 15*
*Boatright Broach Burton Champion Chrismer*
*Cierpiot Crawford Daniels 41 Edwards-Pavia Elliott*
*Enz Evans Foster Gaston Gibbons*
*Graham 106 Gross Hall Hartzler 123 Hartzler 124*
*Hegeman Hendrickson Hohulin Holand Howerton*
*Kasten Kauffman Kelley 47 Legan Levin*
*Linton Lograsso Long Loudon Marble*
*McClelland Merideth Murphy Naeger Nordwald*
*Ostmann Patek Pouche Pryor Purgason*
*Reinhart Richardson Ridgeway Robirds Ross*
*Sallee Schwab Scott Secrest Shields*

*Steen Surface Townley Vogel Wannenmacher*

*Wooten*

*PRESENT: 001*

*Froelker*

*ABSENT WITH LEAVE: 010*

*Bland Ford Goward Green Hand*

*Hosmer Lakin Skaggs Stoll Thompson 37*

*On motion of Representative Hoppe, CCR #2 HS HCS SB 21, as amended, was adopted by the following vote:*

*AYES: 112*

*Auer Backer Barnett 4 Barry 100 Bartelsmeyer*

*Bennett 15 Bonner Boucher Bray 84 Carter*

*Champion Chrismer Cierpiot Cooper Copeland*

*Crump Daniel 42 Daniels 41 Davis 63 Davis 122*

*Days DeMarce Dolan Donovan Dougherty*

*Edwards-Pavia Evans Farnen Fitzwater Foster*

*Franklin Fritts Froelker Gaston Goward*

*Graham 106 Gratz Green Griesheimer Gunn*

*Hagan-Harrell Hall Heckemeyer Hegeman Hickey*

*Holand Hollingsworth Howerton Johnson Kelley 47*

*Kelly 27 Kennedy Kissell Koller Kreider*

*Lawson Leake Long Luetkenhaus Lumpe*

*May 108 Mays 50 McBride McLuckie Merideth*

*Miller Monaco Murray Naeger Nordwald*

*O'Connor O'Toole Overschmidt Parker Pryor*

*Purgason Ransdall Relford Reynolds Richardson*

*Ridgeway Rizzo Robirds Ross Scheve*

*Schilling Schwab Scott Seigfreid Shear*

*Sheldon 104 Shelton 57 Shields Smith Steen*

*Stokan Stroker Summers Tate Thomason 163*

*Townley Treadway Troupe Van Zandt Vogel*

*Wannenmacher Wiggins Williams 121 Williams 159 Wilson*

*Wooten Mr. Speaker*

*NOES: 029*

*Akin Alter Ballard Berkstresser Boatright*

*Broach Burton Campbell Elliott Enz*

*Gibbons Gross Hartzler 123 Hartzler 124 Hendrickson*

*Hohulin Kauffman Legan Levin Linton*

*Marble McClelland Murphy Ostmann Patek*

*Pouche Sallee Secrest Surface*

*PRESENT: 000*

*ABSENT WITH LEAVE: 022*

*Bauer Bland Clayton Crawford Farmer*

*Foley Ford Gaskill Graham 24 Hand*

*Harlan Hoppe Hosmer Kasten Lakin*

*Liese Lograsso Loudon Reinhart Skaggs*

*Stoll Thompson 37*

*On motion of Representative Hoppe, CCS HS HCS SB 21 was truly agreed to and finally passed by the following vote:*

*AYES: 128*

*Auer Backer Barnett 4 Barry 100 Bartelsmeyer*

*Bauer Bennett 15 Bonner Boucher Bray 84*

*Broach Campbell Carter Champion Cierpiot*

*Clayton Cooper Copeland Crump Daniel 42*

*Daniels 41 Davis 63 Davis 122 Days DeMarce*

*Dolan Donovan Dougherty Edwards-Pavia Enz*

*Evans Farmer Farnen Fitzwater Foley*

*Foster Franklin Fritts Froelker Gaston*

*Goward Graham 24 Graham 106 Green Griesheimer*

*Gunn Hagan-Harrell Hall Harlan Hartzler 124*

*Heckemeyer Hegeman Hendrickson Hickey Holand*

*Hollingsworth Hoppe Howerton Johnson Kasten*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lawson Leake Legan Liese*

*Lograsso Long Luetkenhaus Lumpe May 108*

*Mays 50 McBride McLuckie Merideth Miller*

*Monaco Murray Naeger Nordwald O'Connor*

*O'Toole Overschmidt Parker Pouche Pryor*

*Purgason Ransdall Reinhart Relford Reynolds*

*Richardson Ridgeway Rizzo Robirds Ross*

*Scheve Schilling Schwab Scott Seigfreid*

*Shear Sheldon 104 Shelton 57 Shields Smith*

*Steen Stokan Stroker Summers Tate*

*Thomason 163 Townley Treadway Troupe Van Zandt*

*Vogel Wannenmacher Wiggins Williams 121 Williams 159*

*Wilson Wooten Mr. Speaker*

*NOES: 025*

*Akin Alter Ballard Berkstresser Boatright*

*Burton Chrismer Crawford Elliott Gaskill*

*Gratz Gross Hartzler 123 Kauffman Levin*

*Linton Loudon Marble McClelland Murphy*

*Ostmann Patek Sallee Secrest Surface*

*PRESENT: 000*

*ABSENT WITH LEAVE: 010*

*Bland Ford Gibbons Hand Hohulin*

*Hosmer Lakin Skaggs Stoll Thompson 37*

*Speaker Gaw declared the bill passed.*

*The emergency clause was adopted by the following vote:*

*AYES: 117*

*Auer Backer Barnett 4 Barry 100 Bartelsmeyer*

*Bauer Bennett 15 Bonner Boucher Bray 84*

*Broach Campbell Carter Chrismer Cierpiot*

*Clayton Cooper Copeland Crump Daniel 42*

*Daniels 41 Davis 63 Davis 122 Days DeMarce*

*Dolan Donovan Dougherty Enz Evans*

*Farmer Farnen Fitzwater Foley Foster*

*Franklin Fritts Gaskill Goward Graham 24*

*Gratz Green Gunn Hagan-Harrell Hall*

*Harlan Hartzler 124 Heckemeyer Hegeman Hendrickson*

*Hickey Holand Hollingsworth Hoppe Johnson*

*Kasten Kelley 47 Kelly 27 Kennedy Kissell*

*Koller Kreider Lakin Lawson Leake*

*Liese Long Loudon Luetkenhaus Lumpe*

*May 108 McBride McClelland McLuckie Miller*

*Monaco Murray Naeger Nordwald O'Connor*

*O'Toole Ostmann Overschmidt Parker Patek*

*Pryor Ransdall Relford Reynolds Ridgeway*

*Rizzo Robirds Ross Scheve Schilling*

*Scott Seigfreid Shear Sheldon 104 Shelton 57*

*Smith Stokan Stroker Summers Tate*

*Thomason 163 Townley Treadway Troupe Van Zandt*

*Vogel Wiggins Williams 121 Williams 159 Wilson*

*Wooten Mr. Speaker*

*NOES: 038*

*Akin Alter Ballard Berkstresser Boatright*

*Burton Champion Crawford Edwards-Pavia Elliott*

*Froelker Gaston Gibbons Graham 106 Griesheimer*

*Gross Hartzler 123 Hohulin Howerton Kauffman*

*Legan Levin Linton Lograsso Marble*

*Merideth Murphy Pouche Purgason Reinhart*

*Richardson Sallee Schwab Secrest Shields*

*Steen Surface Wannenmacher*

*PRESENT: 000*

*ABSENT WITH LEAVE: 008*

*Bland Ford Hand Hosmer Mays 50*

*Skaggs Stoll Thompson 37*

*On motion of Representative Van Zandt, title to the bill was agreed to.*

*Representative Troupe moved that the vote by which the bill passed be reconsidered.*

*Representative Treadway moved that motion lay on the table.*

*The latter motion prevailed.*

*CONFERENCE COMMITTEE REPORT NO. 2*

*ON*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*HOUSE BILL NO. 288*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House*

*Committee Substitute for House Bill No. 288 as amended by Senate Committee Amendment No. 1 as amended by Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 as amended by Senate Amendment No. 1, Senate Amendment No. 6, Senate Amendment No. 7, and Senate Amendment No. 8 as amended by Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5 as amended by Senate Amendment No. 1, Senate Amendment No. 6, Senate Amendment No. 7 and Senate Amendment No. 8 as amended by Senate Amendment No. 1 to House Committee Substitute for House Bill No. 288;*

*2. That the House recede from its position on Senate Committee Amendment No. 1 as amended, Senate Substitute Amendment No. 1 for Senate Committee Amendment No.2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1 and Senate Amendment No. 4, to House Committee Substitute for House Bill No. 288;*

*3. That the attached Conference Committee Amendment No. 1 be adopted.*

*4. That House Committee Substitute for House Bill No. 288 with Senate Committee Amendment No. 1 as amended, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2, Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 1, Senate Amendment No. 4 and Conference Committee Amendment No. 1 be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Sheila Lumpe /s/ Wayne Goode*

*/s/ Deleta Williams /s/ Harold Caskey*

*/s/ Gary Wiggins /s/ Joe Maxwell*

*/s/ Larry Crawford /s/ Steve Ehlmann*

*/s/ John E. Griesheimer /s/ Franc Flotron*

*Conference Committee Amendment No. 1*

*AMEND House Committee Substitute for House Bill No. 288, Page 1, In the Title, Line 2, by inserting after the figure "640.130," the following: "644.018,"; and*

*Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and*

*Further amend said bill, Page 1, Section A, Line 1, by inserting after the figure "640.130," the following: "644.018,"; and*

*Further amend said bill, Page 1, Section A, Line 2, by deleting the word "twelve" and inserting in lieu thereof the word "fifteen"; and*

*Further amend said bill, Page 1, Section A, Line 4, by deleting all of said line and inserting in lieu thereof the following: "640.120, 640.125, 640.130, 640.131, 640.137, 644.018, 644.101, 644.116, 644.122, 1 and 2, to read as follows:"; and*

*Further amend said bill, Page 10, Section 640.137, Line 17, by inserting after all of said line the following:*

*"644.018. In any contested case filed after May 16, 1997, involving surface water in any flood prone area, if any defendant has obtained and fully complied with a permit from a political subdivision which has enacted orders*

*or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction pursuant to the zoning laws of this state or the laws and regulations of the Federal Emergency Management Agency, over the area in dispute, then the proper permitting of said project shall be conclusive proof that the project is a reasonable use and meets any reasonable use test imposed by law or by a court."; and*

*Further amend said bill, Page 11, Section 644.122, Line 38, by inserting after all of said line the following:*

*"Section 1. Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void."; and*

*Section 2. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.*

*2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.*

*3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.*

*4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.*

*5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act.".*

*CCR #2 HCS HB 288, as amended, relating to public drinking water, was taken up by Representative Lumpe.*

*Representative Lumpe moved that Rule 60 (b) be suspended and CCR # 2 HCS HB 288, as amended, be adopted.*

*Representative Backer moved the previous question.*

*Which motion was defeated by the following vote:*

*AYES: 081*

*Auer Backer Barry 100 Bauer Bland*

*Bonner Boucher Bray 84 Campbell Carter*

*Clayton Copeland Crump Daniel 42 Davis 63*

*Davis 122 Days DeMarce Dougherty Farmer*

*Farnen Fitzwater Foley Ford Franklin*

*Fritts Graham 24 Gratz Green Gunn*

*Hagan-Harrell Harlan Heckemeyer Hickey Hollingsworth*

*Hoppe Johnson Kelly 27 Kennedy Kissell*

*Koller Kreider Lawson Leake Liese*

*Luetkenhaus Lumpe May 108 McBride McLuckie*

*Monaco Murray O'Connor O'Toole Overschmidt*

*Parker Ransdall Relford Reynolds Rizzo*

*Scheve Schilling Secrest Seigfreid Shear*

*Sheldon 104 Shelton 57 Smith Stokan Stroker*

*Tate Thomason 163 Thompson 37 Treadway Troupe*

*Van Zandt Wiggins Williams 121 Williams 159 Wilson*

*Mr. Speaker*

*NOES: 074*

*Akin Alter Ballard Barnett 4 Bartelsmeyer*

*Bennett 15 Berkstresser Boatright Broach Burton*

*Champion Chrismer Cierpiot Cooper Crawford*

*Daniels 41 Dolan Donovan Edwards-Pavia Elliott*

*Enz Evans Foster Froelker Gaskill*

*Gaston Gibbons Graham 106 Griesheimer Gross*

*Hall Hartzler 123 Hartzler 124 Hegeman Hendrickson*

*Hohulin Holand Howerton Kasten Kauffman*

*Kelley 47 Legan Levin Linton Lograsso*

*Long Loudon Marble McClelland Merideth*

*Miller Murphy Naeger Nordwald Ostmann*

*Patek Pouche Pryor Purgason Reinhart*

*Richardson Ridgeway Robirds Sallee Schwab*

*Scott Shields Steen Summers Surface*

*Townley Vogel Wannenmacher Wooten*

*PRESENT: 000*

*ABSENT WITH LEAVE: 008*

*Goward Hand Hosmer Lakin Mays 50*

*Ross Skaggs Stoll*

***On motion of Representative Lumpe, Rule 60 (b) was suspended and CCR #2 HCS HB 288, as amended, was adopted by the following vote:***

*AYES: 146*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Bonner Boucher Bray 84*

*Broach Burton Campbell Carter Champion*

*Chrismer Cierpiot Clayton Cooper Copeland*

*Crawford Crump Daniel 42 Daniels 41 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farmer Farnen Fitzwater Foley Ford*

*Foster Franklin Fritts Gaskill Gaston*

*Gibbons Goward Graham 24 Graham 106 Green*

*Griesheimer Gross Gunn Hagan-Harrell Hall*

*Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman*

*Hendrickson Hickey Holand Hollingsworth Hoppe*

*Hosmer Howerton Johnson Kasten Kauffman*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lakin Lawson Leake Levin*

*Liese Linton Long Luetkenhaus Lumpe*

*Marble May 108 McBride McClelland McLuckie*

*Merideth Miller Monaco Murphy Murray*

*Nordwald O'Connor O'Toole Ostmann Overschmidt*

*Parker Patek Pouche Pryor Purgason*

*Ransdall Reinhart Relford Reynolds Ridgeway*

*Rizzo Ross Sallee Scheve Schilling*

*Schwab Scott Secrest Shear Sheldon 104*

*Shelton 57 Shields Smith Stokan Stroker*

*Summers Surface Tate Thomason 163 Thompson 37*

*Treadway Troupe Van Zandt Vogel Wannenmacher*

*Wiggins Williams 121 Williams 159 Wilson Wooten*

*Mr. Speaker*

*NOES: 012*

*Boatright Froelker Gratz Hohulin Legan*

*Lograsso Loudon Naeger Richardson Robirds*

*Steen Townley*

*PRESENT: 000*

*ABSENT WITH LEAVE: 005*

*Hand Mays 50 Seigfreid Skaggs Stoll*

*On motion of Representative Lumpe, HCS HB 288, as amended by the CCR, was read the third time and passed by the following vote:*

*AYES: 149*

*Akin Alter Auer Backer Ballard*

*Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15*

*Berkstresser Bland Boatright Bonner Boucher*

*Bray 84 Broach Burton Campbell Carter*

*Champion Chrismer Clayton Cooper Copeland*

*Crawford Crump Daniel 42 Daniels 41 Davis 63*

*Davis 122 Days DeMarce Dolan Donovan*

*Dougherty Edwards-Pavia Elliott Enz Evans*

*Farmer Farnen Fitzwater Foley Ford*

*Foster Franklin Fritts Froelker Gaskill*

*Gaston Gibbons Goward Graham 24 Graham 106*

*Green Griesheimer Gross Gunn Hagan-Harrell*

*Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer*

*Hegeman Hendrickson Hickey Holand Hollingsworth*

*Hoppe Howerton Johnson Kasten Kauffman*

*Kelley 47 Kelly 27 Kennedy Kissell Koller*

*Kreider Lawson Leake Levin Liese*

*Linton Long Loudon Luetkenhaus Lumpe*

*Marble May 108 McBride McClelland McLuckie*

*Merideth Miller Monaco Murphy Murray*

*Naeger Nordwald O'Connor O'Toole Ostmann*

*Overschmidt Patek Pouche Pryor Purgason*

*Ransdall Reinhart Relford Reynolds Richardson*

*Ridgeway Rizzo Ross Sallee Scheve*

*Schilling Schwab Scott Secrest Seigfreid*

*Shear Sheldon 104 Shelton 57 Shields Smith*

*Steen Stokan Stroker Summers Surface*

*Tate Thomason 163 Thompson 37 Treadway Troupe*

*Van Zandt Vogel Wannenmacher Wiggins Williams 121*

*Williams 159 Wilson Wooten Mr. Speaker*

*NOES: 006*

*Cierpiot Gratz Hohulin Lograsso Robirds*

*Townley*

*PRESENT: 000*

*ABSENT WITH LEAVE: 008*

*Hand Hosmer Lakin Legan Mays 50*

*Parker Skaggs Stoll*

*Speaker Gaw declared the bill passed.*

*On motion of Representative DeMarce, title to the bill was agreed to.*

*Representative Stokan moved that the vote by which the bill passed be reconsidered.*

*Representative Dougherty moved that motion lay on the table.*

*The latter motion prevailed.*

*CONFERENCE COMMITTEE REPORT # 1*

*ON*

*SENATE SUBSTITUTE*

*FOR*

*HOUSE COMMITTEE SUBSTITUTE*

*FOR*

*HOUSE BILL NO. 411*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Substitute for House Committee Substitute for House Bill No. 411, with Senate Amendment No. 1, with Senate Amendment Nos. 1, 2, 4, 5 and 8 to Senate Amendment No. 1, with Senate Amendment Nos. 2, 4, 5, 6 and 7; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the Senate recede from its position on Senate Amendment No. 1, as amended, and Senate Amendment Nos. 2, 4, and 7;*

*2. That the House recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 411, and that the House recede from Senate Amendment Nos. 5 and 6;*

*3. That the attached Conference Committee Amendment No. 1 with Conference Committee No. 1 to Conference Committee Amendment No. 1 be adopted;*

*4. That the attached Conference Committee Amendment No. 2 with Conference Committee Nos. 1, 2 and 3 to Conference Committee Amendment No. 2 be adopted;*

*5. That Senate Substitute for House Committee Substitute for House Bill No. 411, with Senate Amendment Nos. 5 and 6 and Conference Committee Amendment No. 1, as amended, and Conference Committee Amendment No. 2, as amended, be truly agreed to and finally passed.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Pat Dougherty /s/ Harold Caskey*

*/s/ Russell Gunn /s/ Joe Maxwell*

*/s/ Quincy Troupe /s/ Phil Curls*

*Pat Kelley /s/ Roseann Bentley*

*Michael Gibbons /s/ Steve Ehlmann*

*Conference Committee Amendment No. 1*

*to*

*Conference Committee Amendment No. 1*

*AMEND Conference Committee Amendment No. 1 to Senate Substitute for House Committee Substitute for House Bill No. 411, Page 1, Line 3, by inserting immediately after said line the following:*

*"Further amend said bill, page 38, section 379.116, lines 13-27 of said page, by striking all of said section from the bill; and"; and*

*Further amend said amendment, page 4, line 3, by inserting immediately before the word "or" an opening bracket "["; and further amend line 4, by inserting immediately after the word "occurs" the following: "], but in no event shall it extend beyond the age of twenty-one. A parental support order that is terminated because of the failure of the child to complete the requirements of this subsection shall be reinstated upon showing to the court or division that the child is enrolled in and is satisfactorily progressing towards completion of a secondary school program of instruction but in no event shall it extend beyond the age of twenty-one. Any reinstatement of child support may not be made retroactive beyond the date the motion for reinstatement was filed with the court or division.*

*6."; and*

*Further amend said amendment, page 4, line 21, by inserting immediately after "course." the following: "A parental support order that is terminated because of the failure of the child to complete the requirements of subsections 5 and 6 shall be reinstated upon the showing to the court or division that the child is meeting the requirements of such subsections. The parental support obligation shall continue until the child completes the child's education, or until the child reaches the age of twenty-two, whichever first occurs. Any reinstatement of child support may not be made retroactive beyond the date the motion for reinstatement was filed with the court or division."; and further renumber the remaining subsections accordingly; and*

*Further amend said amendment, page 5, line 7, by striking the words "to the contrary" and inserting in lieu thereof the following: "that such contact is not in the best interest of this child"; and*

*Further amend said amendment, page 6, lines 20-21, by striking the following: "if requested by a party and"; and*

*Further amend said amendment, page 11, lines 25-27, by striking all of said lines and inserting in lieu thereof the following: "(7) The location of the residence of each of the parents at the time of dissolution and the intention of either parent to relocate;"; and further amend said line, by*

*Further amend said amendment, page 12, line 11, by striking the words "to the contrary" and inserting in lieu thereof the following: "that such contact is not in the best interest of this child"; and further amend line 23, by striking the following: "physical and joint legal"; and further amend line 24, by striking all of said line and inserting in lieu thereof "which shall"; and further amend line 26, by striking the following: "physical and joint legal"; and further amend line 27, by striking the following: "physical and legal or physical or legal"; and*

*Further amend said amendment, page 13, by striking "physical and legal or physical or legal" as it appears on lines 1, 4, 6, 7, 10-11, 11-12; and*

*Further amend said amendment, page 15, lines 26-27, by striking "more than fifty miles from the current residence of the child" and inserting in lieu thereof the following: "in a way which would detrimentally impact the visitation of the other parent"; and*

*Further amend said amendment, page 16, line 1, by striking the following: "physical and legal or physical or legal"; and further amend line 2-3, by striking the following: "physical and legal or physical or legal or"; and further amend line 6, by striking said line and inserting in lieu thereof "opportunity for hearing"; and further*

*amend line 7-17, by striking all of the underscored language from said lines; and*

*Further amend said amendment, page 21, line 24, by striking the word "shall" and inserting in lieu thereof the word "may".*

*Conference Committee Amendment No. 1*

*to*

*Conference Committee Amendment No. 2*

*AMEND Conference Committee Amendment No. 2, Senate Substitute for House Committee Substitute for House Bill No. 411, Pages 115-116, Section 23, by striking all of said section and inserting in lieu thereof the following:*

*"Section 23. 1. Except as otherwise provided in this section, an adult receiving benefits through the work first program may fill a vacant employment position in order to engage in work activities. An adult receiving benefits through the work first program, who fills a vacant employment position in order to engage in work activities must be guaranteed a wage equivalent to at least that of the state minimum wage.*

*2. A supplemental wage assistance employment position made available pursuant to this section may not be created as the result of, or may not result in, any of the following:*

*(1) Displacement or partial displacement of current employees, including a reduction in nonovertime work hours, wages or employment;*

*(2) The filling of positions which would deny promotional opportunities for current qualified employees;*

*(3) A strike, lock out or other bona fide labor dispute or violation of any existing collective bargaining agreement between employees and employers;*

*(4) If the employer has terminated the employment of any employee or otherwise caused an involuntary reduction of its workforce which results in the filling of a vacancy;*

*(5) The hiring of the supplement wage assistance employee would result in the termination or layoff of a current employee or otherwise reduce the employers' workforce.*

*3. An individual who believes that he or she has been adversely affected by a violation of this section or the organization that is duly authorized to represent the employee, shall be afforded an opportunity to grieve it. The employee or his/her organization must first attempt to remedy the alleged violation through a meeting with the employer within thirty days of the request for the meeting. The employee or employer may appeal to the Missouri state department of labor and industrial relations for a hearing if the complaint is not resolved satisfactorily. If there is an existing grievance procedure in a collective bargaining agreement, it must be followed. Remedies may include reinstatement and retroactive compensation.*

*4. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection for employees from job displacement or termination.".*

*Conference Committee Amendment No. 2*

*to*

*Conference Committee Amendment No. 2*

*Amend Conference Committee Amendment #2, Senate Substitute for House Committee Substitute for House Bill No. 411, Page 97, Section 8, Lines 2-3 of said page, by striking all of said lines and inserting in lieu thereof the following: "shall be appropriated as a separate item.";*

*Further amend said bill, Page 97, Section 8, Line 4 of said page, by striking the numeral "8." and inserting in lieu thereof the following: "9.".*

*Conference Committee Amendment No. 3*

*to*

*Conference Committee Amendment No. 2*

*Amend Conference Committee Amendment #2, Senate Substitute for House Committee Substitute for House Bill No. 411, Page 12, Section 208.010, Line 7 of said page, by striking the bracket on said line; and*

*Further amend said bill, Page 12, Section 208.010, Line 20 of said page, by striking the bracket on said line; and*

*Further amend said bill, Page 12, Section 208.010, Lines 21-25 of said page, by striking all of said lines and inserting in lieu thereof a semicolon ";"; and*

*Further amend said bill, Page 13, Section 208.010, Line 19 of said page, by striking the bracket on said line; and*

*Further amend said bill, Page 12, Section 208.010, Lines 23-25 of said page, by striking all of said lines and inserting in lieu thereof the following: "member."; and*

*Further amend said bill, Page 110, Section 19, Lines 5-7 of said page, by striking all of said lines and inserting in lieu thereof the following: "proceeds of any life insurance policy,".*

*Conference Committee Amendment No. 1*

*AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, Page 1, In the Title, Lines 21 and 22, by striking the following: "complying with federal mandates for child support enforcement" and inserting in lieu the following: "providing certain services to families"; and*

*Further amend said bill, page 40, section 451.040, line 9, by inserting immediately after said line the following:*

*"452.150. The father and mother living apart are entitled to an adjudication [of] by the circuit court as to their powers, rights and duties in respect to the custody and control and the services and earnings and management of the property of their unmarried minor children without any preference as between the said father and mother, and neither the father nor the mother has any right paramount to that of the other in respect to the custody and control or the services and earnings or of the management of the property of their said unmarried minor children; pending such adjudication the father or mother who actually has the custody and control of said unmarried minor children shall have the sole right to the custody and control and to the services and earnings and to the management of the property of said unmarried minor children. The mere fact that one parent has actual custody of the minor children at the time of filing shall not create a preference for the court in its adjudication of custody and child support."; and*

*Further amend said bill, pages 43 to 48, section 452.340, by striking all of said section and inserting in lieu thereof the following:*

*"452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:*

*(1) The financial needs and resources of the child;*

*(2) The financial resources and needs of the parents;*

*(3) The standard of living the child would have enjoyed had the marriage not been dissolved;*

*(4) The physical and emotional condition of the child, and his educational needs; and*

*(5) The child's physical and legal custody arrangements, including the amount of time the child spends with*

*each parent and the reasonable expenses associated with the physical and legal or physical or legal custody arrangements.*

*2. The obligation of the noncustodial parent to make support payments shall abate, in whole or in part[,]:*

*(1) For such periods of time in excess of thirty consecutive days that the custodial parent has voluntarily relinquished physical custody of a child to the noncustodial parent, notwithstanding any periods of visitation or temporary custody pursuant to a decree of dissolution or legal separation or any modification thereof[.];*

*(2) For such periods of time twenty-eight consecutive days or longer, pursuant to a decree of dissolution or legal separation or any modification thereof, during which the noncustodial parent is the primary caretaker of any child subject to such decree, notwithstanding any periods of visitation by the custodial parent during such periods, unless the court has already considered or provided for the visitation in establishing or determining the child support obligations.*

*In [an] a IV-D case, the division of child support enforcement [may] shall determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.*

*3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:*

*(1) Dies;*

*(2) Marries;*

*(3) Enters active duty in the military;*

*(4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or*

*(5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.*

*4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.*

*5. If when a child reaches age eighteen, he is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree and so long as the child [continues to attend] enrolls for and completes at least ten hours of credit each term, or at least six hours of credit each term if the child is employed for a minimum of twenty hours per week, at an [such] institution of vocational or higher education and achieves grades sufficient to re-enroll at such institution, the parental support obligation shall continue until the child completes his education, or until the child reaches the age of twenty-two, whichever first occurs. To remain eligible for such continued parental support, the child at the parent's request shall submit to each parent a transcript provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly.*

*6. The general assembly finds and declares that it is the public policy of this state to assure children frequent, continuing and meaningful contact with both parents except for cases where the court specifically finds to the contrary. A court with jurisdiction may abate, in whole or in part, any future obligation of support [or] and may transfer the physical and legal or physical or legal custody of one or more children if it finds:*

*(1) that a [custodial] parent has, without good cause, failed to provide visitation or [temporary] physical and legal or physical or legal custody to the [noncustodial] other parent pursuant to the terms of a [decree] judgment of dissolution, legal separation or modifications thereof; and*

*(2) That the noncustodial parent seeking relief is current in payment of all support obligations pursuant to the*

*terms of a decree of dissolution, legal separation or modifications thereof. The court may also award reasonable [attorney] expenses, attorney's fees and court costs incurred by [to] the prevailing party.*

*7. Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support [should] shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. Not later than July 1, 1998, the child support guidelines shall be adjusted by the supreme court to specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines including but not limited to how much visitation or temporary physical custody the parent ordered to pay child support is assumed to have. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every [four] three years to ensure that its application results in the determination of appropriate child support award amounts.*

*8. Beginning October 13, 1989, there shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 7 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.*

*9. Under this or any other chapter, when a court determines the amount owed by a parent for support provided to his child by another person prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection 7 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 7 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount."; and*

*Further amend said bill, page 60, section 452.350, line 9, by inserting immediately after said line the following:*

*"452.355. 1. Unless otherwise indicated, the court from time to time after considering all relevant factors including the financial resources of both parties, the merits of the case and the actions of the parties, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.*

*2. In any proceeding in which the nonpayment of child support is an issue under the provisions of a temporary or permanent court order or decree, if the court finds that the obligor has failed, without good cause, to comply with such order or decree to pay the child support, the court shall order the obligor to pay a reasonable amount for the cost of the suit to the obligee, including sums for legal services. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.*

*3. For purposes of this section, an "obligor" is a person owing a duty of support and an "obligee" is a person to whom a duty of support is owed.*

*4. For purposes of this section, "good cause" includes any substantial reason why the defendant is unable to pay the child support as ordered. Good cause does not exist if the defendant purposely maintains his inability to pay."; and*

*Further amend said bill, page 60, section 452.370, lines 10 to 28, by striking all of said lines; and*

*Further amend said bill, page 61, section 452.370, lines 1 to 26, by striking all of said lines and inserting in lieu thereof the following:*

*"452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any decree respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance award, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she [cohabits] resides, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court [rule 88.01] rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, then a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount under child support guidelines.*

*2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, then the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court [rule 88.01] rules.*

*3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.*

*4. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child. The custodial parent shall have the duty to notify the noncustodial parent of the child's emancipation and failing to do so the custodial parent shall be liable to the noncustodial parent for child support paid, plus interest, to the custodial parent following emancipation of a minor child.*

*5. In any case wherein a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits under the aid to families with dependent children program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the motion. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement."; and*

*Further amend said bill and section, page 63, line 2, by inserting immediately after said line the following:*

*"452.375. 1. As used in this section, unless the context clearly indicates otherwise:*

*(1) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;*

*(2) "Joint physical custody" means an order awarding each of the parents significant periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent [and], continuing and meaningful contact with both parents.*

*2. The court shall determine physical and legal custody in accordance with the best interests of the child. The court shall consider all relevant factors including:*

*(1) The wishes of the child's parents as to his physical and legal or physical or legal custody;*

*(2) The wishes of a child as to his physical and legal or physical or legal custodian;*

*(3) The interaction and interrelationship of the child with his parents, his siblings, and any other person who may significantly affect the child's best interests;*

*(4) The child's adjustment to his home, school, and community;*

*(5) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence has occurred, and, if the court also finds that awarding physical and legal or physical or legal custody to the abusive parent is in the best [interest] interests*

*of the child, then the court shall enter written findings of fact and conclusions of law. Physical and legal or physical or legal custody and visitation rights shall be ordered in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm;*

*(6) The needs of the child for a continuing relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;*

*(7) The intention of either parent to relocate [his] that parent's residence outside the state or more than fifty miles from the current residence of the child; and*

*(8) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent.*

*3. The court shall not award physical and legal or physical or legal custody of a child to a parent if such parent has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim.*

*4. The general assembly finds and declares that it is the public policy of this state to assure children frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage except for cases where the court specifically finds to the contrary, and that it is in the public interest to encourage parents to share decision-making rights and responsibilities of child rearing. In order to effectuate this policy, the court shall determine the physical and legal or physical or legal custody arrangement which will best assure that parents share such decision-making responsibility and authority and such frequent, continuing and meaningful contact between the child and each parent, as is indicated in the best interests of the child under all relevant circumstances.*

*5. Prior to awarding the appropriate physical and legal custody arrangement in the best interest of the child, the court shall consider each of the following as follows:*

*(1) Joint physical and joint legal custody to both parents, which shall be the preferred custodial arrangement and which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award;*

*(2) Sole physical and legal or physical or legal custody to either parent; or*

*(3) Third party physical and legal or physical or legal custody or visitation:*

*(a) When the court finds that each parent is unfit, unsuitable, or unable to be a physical and legal or physical or legal custodian, or the welfare of the child requires, and it is in the best interests of the child, then physical and legal or physical or legal custody, temporary physical and legal or physical or legal custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards physical and legal or physical or legal custody, temporary physical and legal or physical or legal custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;*

*(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.*

*6. Unless otherwise decreed, parents are obligated to exchange information with one another concerning the health, education and welfare of the child. In a decree of sole legal custody, a court may provide that parents shall confer with one another in the exercise of decision-making rights, responsibilities and authority. Upon a finding by the court that either parent has refused to exchange information with one another, which shall include but not be limited to the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay to the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to attorney's fees and court costs.*

*7. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.*

*8. Any decree providing for joint physical and joint legal custody or joint physical or joint legal custody shall include a specific written plan setting forth the terms of such custody. Such plan may be suggested by both parents acting in concert, or one parent acting individually, or if neither of the foregoing occurs, the plan shall be provided by the court. The plan may include a provision for mediation of disputes. In all cases, the joint custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interests of the child.*

*9. Unless [a noncustodial] the parent without physical custody has been denied visitation rights under section 452.400, access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to [a] such parent [because the parent is not the child's custodial parent]. If [a noncustodial] the parent without physical custody has been granted restricted or supervised visitation because the court has found that the [custodial] parent with physical custody or the child has been the victim of domestic violence, as defined in section 455.200, RSMo, by the [noncustodial] parent without physical custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the [custodial] parent with physical custody or the child.*

*10. If any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either [the custodial or noncustodial] parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.*

*11. An award of joint physical and joint legal custody or joint physical or joint legal custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.*

*12. If the court finds that domestic violence has occurred, the court shall make specific findings of fact to show that the physical and legal or physical or legal custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm.*

*452.377. A person entitled to the custody of a child shall not [change] relocate the residence of the child to another state, or remove the child from this state for a period of time exceeding ninety days, or relocate the residence of the child more than fifty miles from the current residence of the child except upon order of the court or with the written consent of the [parties] persons with physical and legal or physical or legal custody or visitation rights. Where [the noncustodial] a person has been given physical and legal or physical or legal custody or visitation rights by the custody decree, such court permission may be granted only after notice to the person having [visitation] such rights and after opportunity for hearing. When addressing the issue of relocation, the court shall consider all relevant factors including but not limited to:*

*(1) Is the relocation in the best interest of the child in relation to each parent;*

*(2) Will the relocation unreasonably interfere with any person's physical and legal or physical or legal custody or visitation rights; and*

*(3) Is there an agreement and plan to continue a relationship with the other parent.*

*Violation of the provisions of this section or a court order under this section may shall be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree.*

*452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. [The court shall define the noncustodial parent's visitation periods in detail at the request of either party.] The court shall enter an order specifically detailing the visitation or temporary physical custody rights of the parent without physical custody. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim. The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.*

*2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or*

*domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.*

*3. The court shall mandate compliance with its order by both [the custodial parent] parents and the child. [ In the event of noncompliance,] If a parent has been granted visitation rights or physical and legal or physical or legal custody rights or temporary physical custody rights, and such rights are denied or interfered with by the other parent, the [noncustodial] parent having visitation or physical and legal or physical or legal custody rights or temporary physical custody rights may file a motion for contempt.*

*4. Upon a finding by the court that its order for visitation or physical and legal or physical or legal custody or temporary physical austody has not been complied with, without good cause, the court shall [define the noncustodial parent's visitation in detail and shall exercise its discretion in providing] provide a remedy, which shall include, but not be limited to, a compensatory period of visitation or [temporary] physical custody at a time convenient for the [noncustodial] parent denied visitation or temporary physical custody or physical custody not less than the period of time denied, [together with] and if requested by a party a mandatory judgment in an amount not less than the reasonable expenses, attorneys fees and court costs actually incurred by the [noncustodial] parent as a result of the denial of visitation or physical and legal or physical or legal custody or temporary physical custody.*

*[4.] 5. The reasonable expenses, attorney's fees and court costs of a proceeding to enforce visitation or physical and legal or physical or legal custody rights shall, if requested by a party, be assessed against the parent who [unreasonably], without good cause, denies or interferes with visitation or physical and legal or physical or legal custody or temporary physical custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.*

*6. The circuit court of the twenty-third judicial circuit shall establish a pilot project for the purpose of enforcing a parent's right to custody or visitation. If a parent has been granted visitation or custody rights, and such rights are denied or interfered with by the other parent, the parent having such rights may file a motion for a family access order. The motion for a family access order may be made on a simple verified pro se form which shall be supplied by the clerk of the court and which shall not require the assistance of legal counsel. The cost of filing such motion shall be the standard court cost for such a filing plus a ten dollar family access fee. The court shall implement procedures to enforce the custody and visitation rights in a timely manner.*

*7. The intentional denial or interference with visitation or physical and legal or physical or legal custody or temporary physical custody of a child from the other parent, without good cause, shall constitute a change of circumstances which may justify a modification of custody.*

*452.405. 1. Except as otherwise ordered by the court or agreed by the parties in writing at the time of the custody decree, the legal custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing[,] finds, upon motion by the [noncustodial] parent without legal custody, that in the absence of a specific limitation of the legal custodian's authority the child's physical health would be endangered or his emotional development impaired.*

*2. The court may order the county welfare office or the county juvenile officer to exercise continuing supervision over the case.*

*452.411. If either parent of a child changes his residence to another state, such change of residence of the parent shall be deemed a change of circumstances under section 452.410, allowing the court to modify a prior physical and legal or physical or legal custody decree.*

*452.416. 1. Notwithstanding any other provision of law to the contrary, whenever a parent in emergency military service has a change in income due to such military service, such change in income shall be considered a change in circumstances so substantial and continuing as to make the terms of any order or judgment for child support or visitation unreasonable.*

*2. Upon receipt of a notarized letter from the commanding officer of a noncustodial parent in emergency military service which contains the date of the commencement of emergency military service and the compensation of the parent in emergency military service, the director of the division of child support enforcement shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in section 452.340 and applicable supreme court [rule 88.01] rules. Such notification to the director shall constitute an application for services under section 454.425,*

*RSMo.*

*3. Upon return from emergency military service the parent shall notify the director of the division of child support enforcement who shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in section 452.340 and applicable supreme court [rule 88.01] rules. Such notification to the director shall constitute an application for services under section 454.425, RSMo.*

*4. As used in this section, the term "emergency military service" means that the parent is a member of a reserve unit or national guard unit which is called into active military duty for a period of more than thirty days.*

*452.600. 1. The circuit courts [of the fifth, sixth, twenty-third, twenty-ninth, thirtieth, thirty-first and thirty-eighth judicial circuits], by local rule, may establish a program of educational sessions for parties to actions for dissolution of marriage or in postjudgment proceedings involving custody or support, concerning the effects of dissolution of marriage on minor children of the marriage. In lieu of establishing such a program, the circuit court may, by local rule, designate a similar program of educational sessions offered by a private or public entity.*

*2. By July 1, 1998, the Missouri supreme court shall have in effect guidelines for the program of educational sessions. The reasonable expenses of the educational sessions shall be paid by the parties.*

*452.605. In an action for dissolution of marriage involving minor children, or in a postjudgment proceeding wherein custody [or support] of minor children is to be determined by the court, [the court may on its own motion] the court shall, except for good cause, order the parties, including the minor children, to attend educational sessions concerning the effects of custody and the dissolution of marriage on children[, if the court finds that doing so would be in the best interests of the minor children]. As used in this section "good cause" includes, but is not limited to, situations where the parties have stipulated to the legal and physical custody of the child or where the safety of a party or child may be endangered by attending the educational sessions."; and*

*Further amend said bill, page 104, section 454.496, line 25, by striking the following: "supreme court rule 88.01" and inserting in lieu thereof the following: "section 452.340 and applicable court rules"; and further amend line 28, by striking the following: "supreme court rule 88.01" and inserting in lieu thereof the following: "section 452.340 and applicable supreme court rules"; and*

*Further amend said bill and section, page 105, line 8, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "section 452.340 and applicable supreme court rules"; and*

*Further amend said bill and section, page 105, lines 11 & 12, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "section 452.340 and applicable supreme court rules"; and further amend lines 25 & 26, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "section 452.340 and applicable supreme court rules"; and*

*Further amend said bill and section, page 106, line 4, by striking "supreme court rule 88.01" and inserting in lieu thereof the following: "section 452.340 and applicable supreme court rules"; and*

*Further amend the title and enacting clause accordingly.*

*Conference Committee Amendment No. 2*

*AMEND Senate Substitute for House Committee Substitute for House Bill No. 411, Page 3, Section A, Line 4, of said page, by inserting immediately after all of said line the following:*

*"30.255. Beginning July 1, 1998, the state treasurer shall, when making a new deposit of state funds, continuing an existing demand deposit of state funds, or renewing an existing time deposit of state funds beyond the expiration date of the deposit in any financial institution, review and consider the depository institutions' lending record, giving consideration to, among other factors, whether:*

*(1) The institution has been given by the appropriate federal regulatory agency a written evaluation of the*

*institution's record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, pursuant to the federal Community Reinvestment Act of 1977, as amended, 12 U.S.C. 2905; and*

*(2) The most recent evaluation of the institution includes a rating of "needs to improve record of meeting community credit needs" or "substantial noncompliance of meeting community credit needs", or categories substantially comparable if said federal law is amended.*

*135.240. The provisions of subdivision (3) of section 135.225 and section 135.230 shall apply to employees determined to:*

*(1) Be difficult to employ. For the purpose of this section, "a person difficult to employ" shall mean a person who was unemployed for at least three months immediately prior to being employed at the new business facility in the enterprise zone; or*

*(2) Be eligible for public assistance in accordance with eligibility standards for aid to families with dependent children in effect on July 16, 1996 or be eligible for funds from the temporary assistance for needy families block grant program or general relief programs.*

*167.260. 1. Any local school district offering to all pupils who are eligible by age pursuant to section 163.017, RSMo a full day of kindergarten within the school calendar as prepared pursuant to section 171.031, RSMo, shall be eligible for state aid for a program for developmentally delayed and free reduced price lunch eligible children ages three and four as defined in section 178.691, RSMo, and for children from at-risk families as defined in section 167.273. State aid shall be provided for no more than a half-day program within the district's school calendar. At a minimum such eligible child shall reach the age of three before the first day of [October] August prior to the start of the school year. Such program shall emphasize social skills, physical development and preparation for kindergarten.*

*2. Any school district offering instruction to children ages three and four shall receive subject to appropriations additional state aid based on the count of children ages three and four enrolled in the district's program and eligible for free and reduced price lunch divided by two multiplied by the guaranteed tax base as defined in subsection (7) of section 163.011, RSMo, multiplied by the operation levy for school purposes as defined in subsection (9) of section 163.011, RSMo.*

*[2.] 3. The state board of education shall approve such programs and distribute state aid."; and*

*Further amend said bill, Page 12, Section 193.215, Line 25 of said page, by inserting immediately after all of said line the following:*

*"205.770. 1. In any county of the second class in this state there may be created and established by order of the county commission of any such county a board which shall be styled "The Social Welfare Board of the County of .....".*

*2. [All powers and duties connected with and incident to the betterment of social and physical causes of dependency, the relief and care of the indigent, and the care of sick dependents, with the exception of the mentally ill and those suffering with contagious, infectious and transmissible diseases shall be exclusively invested in and exercised by the board.*

*3.] The board shall have power to receive and expend donations for social welfare and medical purposes and shall have [exclusive] control over the distribution and expenditure of any public funds set aside and appropriated by such counties and by any city located in any such county for the relief of the temporarily dependent. The board shall have power to promote the general welfare of the poor within the limits of such counties by [social and sanitary reforms, by industrial instruction, by the inculcation of habits of providence and self-dependence, and by the establishment and maintenance of any activities to these ends] providing medical care and emergency assistance. The board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take, by gift, grant, devise, bequest or otherwise, any money, real estate, personal property, right of property, or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure.*

*[4.] 3. The board may make bylaws for its own guidance, rules and regulations for the government of its agents, servants and employees, and for the distribution of the funds under its control.*

*[5.] 4. If any second class county which has established a social welfare board pursuant to the provisions of this section, subsequently becomes a first class or a third class county, such county may retain its social welfare board and continue to function pursuant to the provisions of sections 205.770 to 205.840.*

*205.780. [Said] This board shall have the [exclusive] power to make [all suitable provisions for the relief, maintenance and support of all indigent persons within said county and within any city in said county who may appropriate for the support of said board, and to make suitable provisions for the care and maintenance to the sick dependents and those who are unable to support themselves; to enforce the laws of the state, the ordinances of such cities located within said county, in regard to the indigent, and to make] such rules and regulations in the conduct of its business not inconsistent with the laws of the state of Missouri and the ordinances of such cities[; to have exclusive control, care and management of all public hospitals owned or operated by said counties or said cities, except those for the care of the insane and those suffering with contagious, infectious and transmissible diseases; to recommend to the common council of said city the passage of such ordinances as said board may deem necessary for the welfare of the indigent of said city; to]. This board will have the power to appoint competent physicians and surgeons, who shall hold their office at the pleasure of said board, at a salary to be fixed by said board, and said physicians and surgeons shall perform such duties as may be prescribed by said board, and shall render medical attendance to all those who may come within the provisions of this law; [said] this board shall have the power and it shall be the duty of [said] this board to employ and discharge all persons or officers in their judgment necessary to carry out the matters over which [said] this board is given jurisdiction or control.*

*205.790. 1. [Said] This board shall be nonpartisan and nonsectarian in character, and the members and officers thereof shall receive no compensation as such.*

*2. [Said] This board shall consist of the mayor of such cities and the presiding commissioner of the county commission of such counties, who shall be ex officio members thereof, and six other members, three of whom shall be appointed by the county commission of such counties, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by such county commission, three by the mayor and common council of such cities, who shall hold office, one for one year, one for two years and one for three years, whose terms of office shall be designated by the mayor.*

*3. Whenever the term of office of any member so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment.*

*4. Vacancies from any causes shall be filled in like manner as original appointment. The mayor may, for misconduct or neglect of duty, remove any member appointed by him in the manner required for removal of officers of such cities. The county commission may, by a majority vote, for misconduct or neglect of duty, remove any member appointed by them.*

*205.820. It shall be the duty of said board to keep a record of its proceedings and of its receipts, expenditures and operations, and shall annually render a full and complete itemized report, stating the condition of their trust, together with such other suggestions as they may deem of general interest to the mayor and [common] city council of said cities and the county commission of said counties; provided, said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the [common] city council of said cities or the county commission of said counties.*

*205.830. 1. It shall be the duty of said board, when any person by himself, herself, or another apply for relief to make immediate inquiry [into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief, the said board shall furnish, out of the funds in their hands, such relief as the circumstances of the case may require; provided, that in all cases where the applicant for aid may be found dependent and said applicant or member of said applicant's family is an able-bodied male person capable of performing manual labor, said board shall require such person to perform work to the value of the aid given, and the city engineer and the street commissioners of such cities in their respective departments are required to utilize the services of such able-bodied persons upon receiving notice from said board that such person has received or is entitled to such aid. Where the applicant or a member of the applicant's family is an able-bodied female, said board shall, whenever practicable, require that labor to the value of the aid given be performed. They shall make investigations of cases of dependence for individuals or other charitable organizations and furnish such reports upon the same as in their judgment seems advisable.*

*2. Their office shall be a center of intercommunication between the various charitable agencies in the city. They shall foster harmonious cooperation between them and endeavor to eradicate the evils of overlapping relief, and for this purpose shall maintain a confidential registration bureau.*

*3. When it is impossible to repress mendicancy by the above means they shall prosecute imposters. They shall carefully work out such plans for helping families to self-dependence as may seem most practicable. They shall make concentrated attack on social causes of hardship, such as unsanitary housing, child labor, extortionate charges by pawnshops, salary loan and chattel mortgage agreements] to determine if such person is eligible for such relief.*

*207.010. The [division of family services is an integral part of the] department of social services [and] shall have and exercise all the powers and duties necessary to carry out fully and effectively the purposes assigned to it by law and shall be the state agency to:*

*(1) Administer state plans and laws involving [aid to dependent children] the Missouri families work program and any program established subsequent to the passage of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;*

*(2) Aid or relief in case of public calamity;*

*(3) Aid for direct relief;*

*(4) Child welfare services;*

*(5) Social services to families and adults;*

*(6) Pensions and services for the blind; and*

*(7) Any other duties relating to public assistance and social services which may be imposed upon the department of social services.*

*208.010. 1. In determining the eligibility of a claimant for public assistance [under this law] pursuant to this chapter, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including [his] the claimant's living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished under sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded. In determining the eligibility of a claimant pursuant to this section, the division of family services shall make all appropriate inquiries with the division of employment security, department of revenue and other such agencies and divisions prior to the issuance of such public assistance benefits.*

*2. Benefits shall not be payable to any claimant who:*

*(1) Has or whose spouse with whom [he] the claimant is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions [under] pursuant to subdivisions (4) and (5) of this subsection, and subsection 4 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:*

*(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance [under] pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;*

*(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or*

*average medicaid payment in the state at the time of the investigation to an individual or on his or her behalf [under] pursuant to the program for which benefits are claimed, provided that:*

*a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or*

*b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;*

*(2) The provisions of subdivision (1) of this subsection [2 of this section] shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;*

*(3) Has received, or whose spouse with whom [he] the claimant is living has received, benefits to which [he] the claimant was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible [under] pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;*

*(4) Owns or possesses resources in the sum of one thousand dollars or more; provided, however, that if such person is married and living with spouse, he or she or they, individually or jointly, may own resources not to exceed two thousand dollars; and provided further, that in the case of an [aid to families with dependent children claimant] individuals receiving benefits through the work first program, the provision of this subsection shall not apply;*

*(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which [he] the claimant is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;*

*(6) In the case of [aid to families with dependent children] individuals receiving benefits through the work first program, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, less encumbrances of record and excluding the home occupied by the claimant, as determined by the division of family services [and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state] exceeds the maximum amount established through regulation by the department of social services, division of family services. This maximum shall not be less than one thousand dollars. Each individual participating in the work first program shall be allowed to exclude one automobile from this determination;*

*(7) Is an inmate of a public institution, except as a patient in a public medical institution.*

*3. In determining eligibility and the amount of benefits to be granted [under] pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.*

*4. In determining the total property owned [under] pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:*

*(1) A claimant or person for whom benefits are claimed; or*

*(2) The spouse of a claimant or person for whom benefits are claimed with whom [he] the claimant is living. If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may*

*be considered in determining resources; [except that, in the case of aid to families with dependent children, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member] and provided further that in the case of individuals receiving work first program benefits the provision of this subsection shall not apply.*

*5. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 USC section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 USC sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:*

*(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;*

*(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;*

*(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;*

*(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 USC section 1396r-5;*

*(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and*

*(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.*

*6. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 USC section 1396p.*

*7. The hearings required by 42 USC section 1396r-5 shall be conducted [under] pursuant to the provisions of section 208.080.*

*8. Beginning October 1, 1989, when determining eligibility for assistance [under] pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.*

*9. Reimbursement for services provided by an enrolled medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due [under] pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.*

*10. A "community spouse" is defined as being the noninstitutionalized spouse.*

*208.015. 1. The division of family services shall grant general relief benefits to those persons determined to be eligible [under] pursuant to this chapter and the applicable rules of the division. The director may adopt such additional requirements for eligibility for general relief, not inconsistent with this chapter, which [he] the director deems appropriate.*

*2. General relief shall not be granted to any person:*

*(1) Who has been approved for federal supplemental security income and was not on the general relief rolls in December, 1973; or*

*(2) Who is a recipient of:*

*(a) [Aid to families with dependent children] Benefits funded through the work first program;*

*(b) Aid to the blind benefits;*

*(c) Blind pension benefits; or*

*(d) Supplemental aid to the blind benefits.*

*3. A person shall not be considered unemployable, [under] pursuant to this section, if unemployability is due to school attendance.*

*4. Persons receiving general relief in December, 1973, and who qualify for supplemental security income shall continue to receive a general relief grant if necessary to prevent a reduction in the total cash income received by such person in December, 1973, which general relief grant shall not exceed the amount of general relief provided by law.*

*5. In providing benefits to persons applying for or receiving general relief, benefits shall not be provided to any member of a household if the claimant is employable as defined by rule of the division of family services; or if certain specified relatives living in the household of the claimant are employed and have income sufficient to support themselves and their legal dependents and to meet the needs of the claimant as defined by rule of the division. "Specified relatives" shall be defined as the spouse, mother, father, sister, brother, son, daughter, and grandparents of the claimant, as well as the spouses of these relatives, if living in the home.*

*6. General relief paid to an unemployable person shall not exceed one hundred dollars a month.*

*208.044. 1. The division of family services shall provide child day care services [to any person who meets the qualifications set forth at sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485)] in accordance with Title VI of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, known as the Child Care and Development Block Grant Amendments of 1996.*

*2. The division of family services shall purchase the child day care services required by this section by making payments, in accordance with the Child Care and Development Block Grant Amendments of 1996, and payments made directly to any providers of day care services licensed pursuant to chapter 210, RSMo, or to providers of day care services who are not required by chapter 210, RSMo, to be licensed [because they are providing care to relative children or no more than four children] or by reimbursement to parents for services rendered by such providers.*

*[3. When a person who has been eligible and receiving day care services under this section becomes ineligible due to the end of the twelve-month period of transitional day care, as defined in section 208.400, such person may receive day care services from the division of family services if otherwise eligible for such services. Until October 1, 1992, participants eligible for income eligible day care services, as defined by the division of family services, will continue to receive such services in the same proportion as that provided in fiscal year 1989, subject to appropriation.]"; and*

*Further amend said bill, Page 14, Section 208.055, Line 8 of said page, by inserting immediately after all of said line the following:*

*"208.060. Application for any benefits [under] pursuant to any law of this state administered by the division of family services acting as a state agency shall be filed in the county office. Application for [aid to dependent children] benefits through the work first program shall be made by the person with whom the child will live while receiving aid. All applications shall be in writing, or reduced to writing, upon blank forms furnished by the division of family services, and shall contain such information as may be required by the division of family services or by any federal authority [under] pursuant to the social security law and amendments thereto. The term "benefits" as used herein or in this law shall be construed to mean:*

*(1) [Aid to dependent children] Benefits funded through the work first program;*

*(2) Aid or public relief to individuals in cases of public calamity;*

*(3) Money or services available for child welfare services;*

*(4) Any other grant, aid, pension or assistance administered by the division of family services.*

*208.075. 1. When an application is made for [aid to dependent children] work first program or aid to the permanently and totally disabled benefits because of the physical or mental condition of a person the division of family services shall require the person to be examined by competent medical or other appropriate authority designated by the division of family services. If benefits are paid because of the physical or mental condition of a person the division of family services may, as often as it deems necessary, require such person to be reexamined by competent medical or other appropriate authority designated by the division of family services. Written reports of examinations and reexaminations shall be required and evaluated by the division of family services in determining eligibility to receive benefits or to continue to receive benefits.*

*2. In any appeal hearing as provided for by section 208.080 and the question at issue involves the physical or mental incapacity of a person, regardless of whether assistance has been denied or a recipient has been removed from the assistance rolls, the written reports of the examination or reexamination made by competent medical or other appropriate authority designated by the division of family services, and any written medical reports by other physicians or clinics submitted by claimant, are hereby declared to be competent evidence and admissible as such at the appeal hearing to be considered by the director with any other evidence submitted. Any written medical report purporting to be executed and signed by the medical or other appropriate authority, its agents, or employees shall be prima facie evidence of it being properly executed and signed without further proof of identification.*

*208.080. 1. Any applicant for or recipient of benefits or services provided by law by the division of family services may appeal to the director of the division of family services from a decision of a county office of the division of family services in any of the following cases:*

*(1) If [his] the applicant's or recipient's right to make application for any such benefits or services is denied; or*

*(2) If [his] the applicant's or recipient's application is disallowed in whole or in part, or is not acted upon within a reasonable time after it is filed; or*

*(3) If it is proposed to cancel or modify benefits or services; or*

*(4) If [he] the applicant or recipient is adversely affected by any determination of a county office of the division of family services in its administration of the programs administered by it; or*

*(5) If a determination is made pursuant to subsection 2 of section 208.180 that payment of benefits on behalf of a dependent child shall not be made to the relative with whom [he] such child lives.*

*2. If the division proposes to terminate or modify the payment of benefits or the providing of services to the recipient or the division has terminated or modified the payment of benefits or providing of services to the recipient and the recipient appeals, the decision of the director as to the eligibility of the recipient at the time such action was proposed or taken shall be based on the facts shown by the evidence presented at the hearing of the appeal to have existed at the time such action to terminate or modify was proposed or was taken.*

*3. In the case of a proposed action by the county office of the division of family services to reduce, modify, or discontinue benefits or services to a recipient, the recipient of such benefits or services shall have ten days from the date of the mailing of notice of the proposed action to reduce, modify, or discontinue benefits or services within which to request an appeal to the director of the division of family services. In the notice to the recipient of such proposed action, the county office of the division of family services shall notify the recipient of all [his] the recipient's rights of appeal [under] pursuant to this section. Proper blank forms for appeal to the director of the division of family services shall be furnished by the county office to any aggrieved recipient. Every such appeal to the director of the division of family services shall be transmitted by the county office to the director of the division of family services immediately upon the same being filed with the county office. If an appeal is requested, benefits or services shall continue undiminished or unchanged until such appeal is heard and a decision has been rendered thereon, except that in [an aid to families with dependent children] a work first program case the recipient may request that benefits or services not be continued undiminished or unchanged during the appeal.*

*4. When a case has been closed or modified and no appeal was requested prior to closing or modification, the recipient shall have ninety days from the date of closing or modification to request an appeal to the director of the division of family services. Each recipient who has not requested an appeal prior to the closing or modification of [his] the recipient's case shall be notified at the time of such closing or modification of [his] the right to request an appeal during this ninety-day period. Proper blank forms for requesting an appeal to the*

*director of the division of family services shall be furnished by the county office to any aggrieved applicant. Every such request made in any manner for an appeal to the director of the division of family services shall be transmitted by the county office to the director of the division of family services immediately upon the same being filed with the county office. If an appeal is requested in the ninety-day period subsequent to the closing or modification, benefits or services shall not be continued at their prior level during the pendency of the appeal.*

*5. In the case of a rejection of an application for benefits or services, the aggrieved applicant shall have ninety days from the date of the notice of the action in which to request an appeal to the director of the division of family services. In the rejection notice the applicant for benefits or services shall be notified of all of [his] the applicant's rights of appeal [under] pursuant to this section. Proper blank forms for requesting an appeal to the director of the division of family services shall be furnished by the county office to any aggrieved applicant. Any such request made in any manner for an appeal shall be transmitted by the county office to the director of the division of family services, immediately upon the same being filed with the county office.*

*6. If the division has rejected an application for benefits or services and the applicant appeals, the decision of the director as to the eligibility of the applicant at the time such rejection was made shall be based upon the facts shown by the evidence presented at the hearing of the appeal to have existed at the time the rejection was made.*

*7. The director of the division of family services shall give the applicant for benefits or services or the recipient of benefits or services reasonable notice of, and an opportunity for, a fair hearing [in the county of his residence at the time the adverse action was taken. The hearing shall be] conducted by the director of the division of family services or [his designee] an authorized designee to include an administrative hearing officer in the administrative hearing unit of the division of legal services. Every applicant or recipient, on appeal to the director of the division of family services, shall be entitled to [be present at the hearing, in person and by attorney or representative] a hearing either in person or by telephone. All in-person hearings shall be held in one of the administrative hearing units regional hearing offices located throughout the state, or as designated by the administrative hearing unit. A person requesting a hearing may appear with or without an attorney or other representative, and shall be entitled to introduce into the record of such hearing any and all evidence, by witnesses or otherwise, pertinent to such applicant's or recipient's eligibility between the time [he applied] application for benefits or services was made and the time the application was denied or the benefits or services were terminated or modified, and all such evidence shall be taken down, preserved, and shall become a part of the applicant's or recipient's appeal record. Upon the record so made, the director of the division of family services shall determine all questions presented by the appeal, and shall make such decision as to the granting of benefits or services as in [his] the director's opinion is justified and is in conformity with the provisions of the law. The director shall clearly state the reasons for [his] the director's decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.*

*8. All appeal requests may initially be made orally or in any written form, but all such requests shall be transcribed on forms furnished by the division of family services and signed by the aggrieved applicant or recipient or his or her representative prior to the commencement of the hearing.*

*208.120. 1. For the protection of applicants and recipients, all officers and employees of the state of Missouri are prohibited, except as hereinafter provided, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of benefits or the contents of any records, files, papers, and communications, except in proceedings or investigations where the eligibility of an applicant to receive benefits, or the amount received or to be received by any recipient, is called into question, or for the purposes directly connected with the administration of public assistance. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of benefits, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence.*

*2. The division of family services shall in each county welfare office maintain monthly a report showing the name and address of all recipients certified by such county welfare office to receive public assistance benefits, together with the amount paid to each recipient during the preceding month, and each such report and information contained therein shall be open to public inspection at all times during the regular office hours of the county welfare office; provided, however, that all information regarding applicants or recipients other than names, addresses and amounts of grants shall be considered as confidential.*

*3. It shall be unlawful for any person, association, firm, corporation or other agency to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of any name or lists of names for commercial or political purposes of any nature; or for any name or list of names of recipients secured from such report in the county welfare office to be published in any manner. Anyone willfully or knowingly violating*

*any provisions of this section shall be guilty of a misdemeanor. If the violation is by other than an individual, the penalty may be adjudged against any officer, agent, employee, servant or other person of the association, firm, corporation or other agency who committed or participated in such violation and is found guilty thereof.*

*4. Notwithstanding any other provisions of this section to the contrary, the department of social services shall furnish, at least four times annually and upon request of the Immigration and Naturalization Service, the name, address and other identifying information of any individual whom the department knows to be unlawfully in the United States.*

*208.150. The maximum amount of monthly public assistance money payment benefits payable to or on behalf of a needy person shall not exceed the following:*

*[(1) Aid to families with a dependent child, or children, and needy eligible relatives caring for a dependent child, or children, in an amount to be computed as follows:*

*(a) Beginning July 1, 1993, and at least every three years thereafter, the division of family services shall determine by regulation the average need for each such eligible person, which shall include the cost of basic needs required to maintain a child or children in the home at a reasonable and decent low-income standard of living, and shall pay, on a uniform basis, the highest percent of such need as shall be possible within the limits of funds appropriated for that purpose, less available income;*

*(b) "Available income" means the total income, before taxes or other deductions, of each person residing within the same household, except, to the extent allowed by federal law, the earnings of a student under nineteen years of age enrolled in a secondary school or at the equivalent level of vocational or technical training, plus or minus such credits or deductions as may be prescribed by the division of family services by regulations for the sole purpose of complying with federal laws or regulations relating to this state's eligibility to receive federal funds for aid to families with dependent children payments, and such credits or deductions as may otherwise be prescribed by law;*

*(c) The available income shall be subtracted from the total amount which otherwise would be paid;*

*(d) If the determined need under this subdivision is of an amount less than ten dollars, no cash payment will be made;]*

*(1) Work first program benefits payable to individuals in accordance with requirements established by the department or benefits people qualified for pursuant to aid to families with dependent children under the requirements in effect on June 1, 1995. The department shall not establish benefits payable to be less than those in place on June 1, 1995, and within appropriations authority;*

*(2) Aid or public relief to an unemployable person not to exceed one hundred dollars.*

*208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:*

*(1) All recipients of state supplemental payments for the aged, blind and disabled;*

*(2) [All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040] Individuals who meet the July 16, 1996, eligibility requirements for aid to families with dependent children or requirements so established by the department and who are eligible for medical assistance in accordance with rules and regulations promulgated by the department;*

*(3) All recipients of blind pension benefits;*

*(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;*

*(5) All persons under the age of twenty-one years who [would be eligible for aid to families with dependent children] meet the July 16, 1996, eligibility requirements for aid to families with dependent children or requirements as established by the department, except for the requirements of [subdivision (2) of subsection 1 of section 208.040] deprivation of parental support, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;*

*(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits [except for the requirement of deprivation of parental support as provided for in subdivision*

*(2) of subsection 1 of section 208.040] pursuant to the July 16, 1996, eligibility requirements or requirements as established by the department except for the requirement of deprivation of parental support;*

*(7) All persons eligible to receive nursing care benefits;*

*(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;*

*(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;*

*(10) Pregnant women who meet the requirements for aid to families with dependent children that were in existence as of July 16, 1996, or requirements as established by the department, except for the existence of a dependent child in the home;*

*(11) Pregnant women who meet the requirements for aid to families with dependent children that were in existence as of July 16, 1996, or requirements as established by the department, except for the existence of a dependent child who is deprived of parental support [as provided for in subdivision (2) of subsection 1 of section 208.040];*

*(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;*

*(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;*

*(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide medicaid coverage [under] pursuant to this subdivision, the department of social services may revise the state medicaid plan to extend coverage [under] pursuant to 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;*

*(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:*

*(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;*

*(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and*

*(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage [under] pursuant to this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish copayment, coinsurance, deductible, or premium requirements for medical assistance [under] pursuant to this subdivision. Eligibility for medical assistance [under] pursuant to this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] pursuant to this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] pursuant to this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] pursuant to this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;*

*(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons [under] pursuant to subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] pursuant to each of*

*the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;*

*(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;*

*(18) A child born to a woman eligible for and receiving medical assistance [under] pursuant to this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;*

*(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for [aid to families with dependent children] benefits through the work first program. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for [aid to families with dependent children] benefits through the work first program. Applicants for medical assistance benefits [under] pursuant to subdivision (12), (13) or (14) shall be informed of the [aid to families with dependent children program] work first program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] pursuant to this chapter shall be as simple as practicable;*

*(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;*

*(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] pursuant to subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] pursuant to section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;*

*(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] pursuant to the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated [under] pursuant to a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective medicaid-eligible high-risk mothers and enroll them in the state's medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any medicaid prepaid, case-managed programs;*

*(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;*

*(24) All recipients who would be eligible for aid to families with dependent children benefits in accordance with the eligibility requirements that were in existence as of July 16, 1996, or requirements as established by the department except for the requirements of paragraph (d) of subdivision (1) of section 208.150 as it existed on*

*July 16, 1996;*

*(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:*

*(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and*

*(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;*

*(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available [under] pursuant to 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).*

*2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]*

*3. [After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended,] Any family receiving Title XIX benefits based on meeting the eligibility requirements for aid to families with dependent children that were in existence on July 16, 1996, or requirements as established by the department in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.*

*4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] pursuant to Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits [under] pursuant to Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.*

*5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he or she made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.*

*208.160. The department of social services or its divisions shall prepare separate rolls of persons entitled to benefits or compensation for:*

*(1) Supplemental payments;*

*(2) [Aid to dependent children] Families work program;*

*(3) Aid or public relief;*

*(4) Administrative personnel services and expenses;*

*(5) Any other grant, aid, pension, assistance or welfare services administered by the department of social services or its divisions. From the rolls, the department of social services or its divisions shall prepare warrants in the form required by section 33.160, RSMo, which shall be certified by the commissioner of administration to the state treasurer for certification as required by section 30.180, RSMo. As authorized by section 30.205, RSMo, or sections 105.273 to 105.278, RSMo, the commissioner or the state treasurer may authorize the department of social services to place their signature on the warrant to create a negotiable check or draft or may authorize the electronic transfer of funds in place of a check or draft.*

*208.170. 1. The state treasurer shall be treasurer and custodian of all funds and moneys of the department and shall issue checks upon such funds or moneys in accordance with such rules and regulations as the department shall prescribe.*

*2. There is hereby established as a special fund, separate and apart from the public moneys of this state, the following:*

*(1) Supplemental payment fund;*

*(2) Aid to families with dependent children fund;*

*(3) Relief fund;*

*(4) Child welfare service fund;*

*(5) Administration fund;*

*(6) Title XIX fund;*

*(7) Child support enforcement fund;*

*(8) Families work program fund;*

*(9) Missouri general revenue maintenance of effort funds.*

*3. The supplemental payment fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of supplemental payments. All checks payable to recipients of supplemental payments shall be drawn on and paid from this fund.*

*4. The [aid to families with dependent children] work first program fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for the payment of aid to families [with dependent children] receiving benefits through the work first program. All checks payable for [aid to families with dependent children] the work first program shall be drawn on and paid from this fund. Any funds remaining in the aid to families with dependent children fund on July 1, 1997, or the date on which this section becomes effective, whichever occurs later, shall be transferred to the work first program fund.*

*5. The relief fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for aid or relief in cases of public calamity. All expenditures for aid or relief in cases of public calamity shall be paid from this fund.*

*6. The child welfare service fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources for child welfare services, and this fund or any portion of it may be transferred to the administration fund.*

*7. The administration fund shall consist of moneys appropriated by the state, and moneys received from the federal government to pay the administrative costs of the department in administering the provisions of the law. All checks payable for employees and personal services of representatives of the department shall be drawn on and paid from the administration fund.*

*8. The Title XIX fund shall consist of moneys appropriated by the state and such moneys as may be received from the federal government or other sources for the payment of medical assistance rendered to eligible recipients pursuant to the Title XIX state plan, and all checks payable on behalf of recipients shall be drawn on and paid from this fund.*

*9. The child support enforcement fund shall consist of moneys appropriated by the state, and such moneys as may be received from the federal government or other sources including moneys representing assigned support obligations collected on behalf of recipients of public assistance and nonrecipients of public assistance, any fees collected by the department and any incentive payments received from other states. From this fund shall be paid any moneys collected which represent assigned support obligations required by state law or federal law to be returned to the obligee on whose behalf the obligation was collected, incentive payments to political subdivisions of this state or to other states, any reimbursement to the federal government for its respective share of payments for [aid to families with dependent children] benefits through the work first program and administrative costs incurred by the department in the administration of the child support enforcement program including purchase of child support enforcement services pursuant to the terms of cooperative agreements entered into with political subdivisions of this state, appropriate courts, law enforcement officials or others. Nothing herein shall prohibit the appropriation of federal funds to defer all administrative costs incurred by the department pursuant to chapter 454, RSMo, in the event that federal financial participation is extended to include all costs.*

*208.180. 1. Payment of benefits hereunder shall be made monthly in advance, at such regular intervals as shall be determined by the division of family services, directly to the recipient, or in the event of [his] the recipient's incapacity or disability, to [his] the recipient's legally appointed conservator, and except as provided in subsection 2 of this section, in the case of a dependent child to the relative with whom [he] such child lives; provided, that payments for the cost of authorized inpatient hospital or nursing home care in behalf of an individual may be made after the care is received either during [his] the individual's lifetime or after [his] the individual's death to the person, firm, corporation, association, institution, or agency furnishing such care, and shall be considered as the equivalent of payment to the individual to whom such care was rendered. All incapacity or disability proceedings of persons applying for or receiving benefits [under this law] pursuant to this chapter shall be carried out without fee or other expense when in the opinion of the probate division of the circuit court the person is unable to assume such expense. At the discretion of the court such a guardian or conservator may serve without bond.*

*2. Payment of benefits with respect to a dependent child may be made, pursuant to regulations of the division of family services, to an individual, other than the relative with whom [he] such child lives, who is interested in or concerned with the welfare of the child, or who is furnishing food, living accommodations or other goods, services or items to or for the dependent child[, in the following cases:*

*(1)] where the relative with whom the child lives has demonstrated an inability to manage funds to the extent that payments to [him] such relative have not been or are not being used in the best interest of the child[; or*

*(2) Where the relative has refused to participate in a work or training program to which he has been referred under section 208.042].*

*3. Whenever any recipient shall have died after the issuance of a benefit check to [him] such recipient, or on or after the date upon which a benefit check was due and payable to [him] such recipient, and before the same is endorsed or presented for payment by the recipient, the probate division of the circuit court of the county in which the recipient resided at the time of [his] the recipient's death shall, on the filing of an affidavit by one of the next of kin, or creditor of the deceased recipient, and upon the court being satisfied as to the correctness of such affidavit, make an order authorizing and directing such next of kin, or creditor, to endorse and collect the check, which shall be paid upon presentation with a certified copy of the order attached to the check and the proceeds of which shall be applied upon the funeral expenses and the debts of the decedent, duly approved by the probate division of the circuit court, and it shall not be necessary that an administrator be appointed for the estate of the decedent in order to collect the benefit check. No cost shall be charged in such proceedings. Such affidavit filed by one of the next of kin, or creditor, shall state the name of the deceased recipient, the date of [his] such recipient's death, the amount and number of such benefit check, the funeral expenses and debts owed by the decedent, and whether the decedent had any estate other than the unpaid benefit check and, in the event the decedent had an estate that requires administration, the provisions of this section shall not apply and the estate of the decedent shall be administered upon in the same manner as estates of other deceased persons.*

*208.182. 1. The division of family services shall establish pilot projects in St. Louis city and in any county with a population of six hundred thousand or more, which shall provide for a system of electronic transfer of benefits to public assistance recipients specified in subsection 5 of this section. After three months an evaluation shall be submitted to the joint legislative welfare reform and TANF block grant oversight committee. The department is authorized to expand to other counties with statewide implementation no later than specified in federal law and no sooner than January 1, 1998. Such system shall allow recipients to obtain cash from automated teller machines or point of sale terminals. If less than the total amount of benefits is withdrawn, the recipient shall be given a receipt showing the current status of [his] the recipient's account.*

*2. The disclosure of any information provided to a financial institution, business or vendor by the division of family services pursuant to this section is prohibited. Such financial institution, business or vendor may not use or*

*sell such information and may not divulge the information without a court order. Violation of this subsection is a class A misdemeanor.*

*3. Subject to appropriations and subject to receipt of waivers from the federal government to prevent the loss of any federal funds, the department of social services shall require the use of photographic identification on electronic benefit transfer cards issued to recipients in this system. Such photographic identification electronic benefit transfer card shall be in a form approved by the department of social services.*

*4. The division of family services shall promulgate rules and regulations necessary to implement the provisions of this section pursuant to section 660.017, RSMo, and chapter 536, RSMo.*

*5. The delivery of electronic benefits and the electronic eligibility verification, including, but not limited to, [aid to families with dependent children (AFDC)] those funded through families work program, women, infants and children (WIC), early periodic screening diagnosis and treatment (EPSDT), food stamps, supplemental security income (SSI), including medicaid, child support, and other programs, shall reside in one card that may be enabled by function from time to time in a convenient manner.*

*208.325. 1. [Beginning October 1, 1994,] The department of social services shall enroll [AFDC] families work program recipients in the self-sufficiency [program] pacts established by this section. [The department may target AFDC households which meet at least one of the following criteria:*

*(1) Received AFDC benefits in at least eighteen out of the last thirty-six months; or*

*(2) Are parents under twenty-four years of age without a high school diploma or a high school equivalency certificate and have a limited work history; or*

*(3) Whose youngest child is sixteen years of age, or older; or*

*(4) Are currently eligible to receive benefits pursuant to section 208.041, an assistance program for unemployed married parents.*

*2. The department shall, subject to appropriation, enroll in self-sufficiency pacts by July 1, 1996, the following AFDC households:*

*(1) Not fewer than fifteen percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, and who are currently participating in the FUTURES program;*

*(2) Not fewer than five percent of AFDC households who are required to participate in the FUTURES program under sections 208.405 and 208.410, but who are currently not participating in the FUTURES program; and*

*(3) By October 1, 1997, not fewer than twenty-five percent of aid to families with dependent children recipients, excluding recipients who meet the following criteria and are exempt from mandatory participation in the family self-sufficiency program:*

*(a) Disabled individuals who meet the criteria for coverage under the federal Americans with Disabilities Act, P.L. 101-336, and are assessed as lacking the capacity to engage in full-time or part-time subsidized employment;*

*(b) Parents who are exclusively responsible for the full-time care of disabled children; and*

*(c) Other families excluded from mandatory participation in FUTURES by federal guidelines.]*

*2. Self-sufficiency pacts developed and utilized by the department of social services in conjunction with the implementation of work first program shall meet the requirements of the individual responsibility plans required by The Personal Responsibility and Work Reconciliation Act of 1996, as amended.*

*3. Upon enrollment in the [family self-sufficiency program] work first program, a household shall receive an initial assessment of the family's educational, child care, employment, medical and other supportive needs. There shall also be assessment of the recipient's skills, education and work experience and a review of other relevant circumstances. Each assessment shall be completed in consultation with the recipient and, if appropriate, each child whose needs are being assessed.*

*4. Family assessments shall be used to complete a family self-sufficiency pact in negotiation with the family. The family self-sufficiency pact shall identify a specific point in time, no longer than twenty-four months after the family enrolls in the self-sufficiency pact, when the family's primary self-sufficiency pact shall conclude. The self-sufficiency pact is subject to reassessment and may be extended for up to an additional twenty-four months, but the maximum term of any self-sufficiency pact shall not exceed a total of [forty-eight] sixty months. Family self-sufficiency pacts should be completed and entered into within three months of the initial assessment.*

*5. The division of family services shall complete family self-sufficiency pact assessments and/or may contract with other agencies for this purpose, subject to appropriation.*

*6. Family self-sufficiency assessments shall be used to develop a family self-sufficiency pact after a meeting. The meeting participants shall include:*

*(1) A representative of the division of family services, who may be a case manager or other specially designated, trained and qualified person authorized to negotiate the family self-sufficiency pact and follow-up with the family and responsible state agencies to ensure that the self-sufficiency pact is reviewed at least annually and, if necessary, revised as further assessments, experience, circumstances and resources require;*

*(2) The recipient and, if appropriate, another family member, assessment personnel or an individual interested in the family's welfare.*

*7. The family self-sufficiency pact shall:*

*(1) Be in writing and establish mutual state and family member obligations as part of a plan containing goals, objectives and timelines tailored to the needs of the family and leading to self-sufficiency;*

*(2) Identify available support services such as subsidized child care, medical services and transportation benefits during a transition period, to help ensure that the family will be less likely to return to public assistance.*

*8. The family self-sufficiency pact shall include a parent and child development plan to develop the skills and knowledge of adults in their role as parents to their children and partners of their spouses. Such plan shall include school participation records. The department of social services shall, in cooperation with the department of health, the department of mental health, and the "Parents as Teachers" program in the department of elementary and secondary education, develop or make available existing programs to be presented to persons enrolled in a family self-sufficiency pact.*

*[9. A family enrolled in a family self-sufficiency pact may own or possess property as described in subdivision (6) of subsection 2 of section 208.010 with a value of five thousand dollars instead of the one thousand dollars as set forth in subdivision (6) of subsection 2 of section 208.010.*

*10. A family receiving AFDC may own one automobile, which shall not be subject to property value limitations provided in section 208.010.*

*11. Subject to appropriations and necessary waivers, the department of social services may disregard from one-half to two-thirds of a recipient's gross earned income for job-related and other expenses necessary for a family to make the transition to self-sufficiency.*

*12.] 9. A recipient may request a review by the director of the division of family services, or his designee, of the family self-sufficiency pact or any of its provisions that the recipient objects to because it is inappropriate. After receiving an informal review, a recipient who is still aggrieved may appeal the results of that review under the procedures in section 208.080.*

*[13.] 10. The term of the family self-sufficiency pact may only be extended due to circumstances creating barriers to self-sufficiency and the family self-sufficiency pact [may] shall be updated and adjusted to identify and address the removal of these barriers to self-sufficiency.*

*[14.] 11. Where the capacity of services does not meet the demand for the services, limited services may be substituted and the pact completion date extended until the necessary services become available for the participant. The pact shall be modified appropriately if the services are not delivered as a result of waiting lists or other delays.*

*[15.] 12. The division of family services shall establish a training program for self-sufficiency pact case managers which shall include but not be limited to:*

*(1) Compliance with the programs and provisions of sections 1 to 28 of this act and ensure applicants are provided with all information regarding benefits in compliance with subsection 2 of section 1 of this act;*

*[(1)] (2) Knowledge of public and private programs available to assist recipients to achieve self-sufficiency;*

*[(2)] (3) Skills in facilitating recipient access to public and private programs; and*

*[(3)] (4) Skills in motivating and in observing, listening and communicating.*

*[16.] 13. The division of family services shall ensure that families enrolled in the family self-sufficiency program make full use of the federal earned income tax credit.*

*[17. Failure to comply with any of the provisions of a self-sufficiency pact developed pursuant to this section shall result in a recalculation of the AFDC cash grant for the household without considering the needs of the caretaker recipient.*

*18. If a suspension of caretaker benefits is imposed, the recipient shall have the right to a review by the director of the division of family services or his designee.*

*19. After completing the family self-sufficiency program, should a recipient who has previously received thirty-six months of aid to families with dependent children benefits again become eligible for aid to families with dependent children benefits, the cash grant amount shall be calculated without considering the needs of caretaker recipients. The limitations of this subsection shall not apply to any applicant who starts a self-sufficiency pact on or before July 1, 1997, or to any applicant who has become disabled or is receiving or has received unemployment benefits since completion of a self-sufficiency program.*

*20.] 14. There shall be conducted a comprehensive evaluation of the family self-sufficiency program contained in the provisions of this act [and the job opportunities and basic skills training program ("JOBS" or "FUTURES") as authorized by the provisions of sections 208.400 to 208.425]. The evaluation shall be conducted by a competitively chosen independent and impartial contractor selected by the commissioner of the office of administration. The evaluation shall be based on specific, measurable data relating to those who participate successfully and unsuccessfully in these programs and a control group, factors which contributed to such success or failures, the structure of such programs and other areas. The evaluation shall include recommendations on whether such programs should be continued and suggested improvements in such programs. The first such evaluation shall be completed and reported to the governor and the general assembly by September 1, 1997. Future evaluations shall be completed every three years thereafter. [In addition, in 1997, and every three years thereafter, the oversight division of the committee on legislative research shall complete an evaluation on general relief, child care and development block grants and social services block grants.]*

*[21.] 15. The director of the department of social services may promulgate rules and regulations, pursuant to section 660.017, RSMo, and chapter 536, RSMo, governing the use of family self-sufficiency pacts in this program and in other programs, including programs for noncustodial parents of children receiving assistance.*

*[22. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of this section with full federal participation. The provisions of this section shall be implemented, subject to appropriation, as waivers necessary to ensure continued federal participation are received.]*

*208.337. 1. The division may deposit funds into an account on behalf of children whose custodial parent is a participant in the [program authorized pursuant to the provisions of sections 208.400 to 208.425,] work first program and whose noncustodial parent is participating in a state job training and adult educational program approved by the division of family services. If agreed upon by the parties, funds may also be deposited for this purpose when the noncustodial parent terminates participation in the job training or educational program, until the custodial parent completes participation in [the program authorized pursuant to the provisions of sections 208.400 to 208.425] work first program work activities. The amount deposited for each child shall not exceed the portion of current child support paid by the noncustodial parent, to which the state of Missouri is entitled according to applicable state and federal laws. Money so received shall be governed by this section notwithstanding other state laws and regulations to the contrary.*

*2. Any money deposited by the division on behalf of a child, as provided in subsection 3 of this section, shall be accounted for in the name of the child. Any money in the account of a child may be expended only for care or services for the child as agreed upon by both parents. The division shall, by rule adopted pursuant to section 454.400, RSMo, and chapter 536, RSMo, establish procedures for the establishment of the accounts, use, expenditure, and accounting of the money, and the protection of the money against theft, loss or misappropriation.*

*3. The division shall deposit money appropriated for the purposes of this section with the state treasurer. Any earnings attributable to the money in the account of a child shall be credited to that child's account.*

*4. Each child for whose benefit funds have been received by the division, and the parents of such child, shall be furnished annually by the division of budget and finance of the department of social services with a statement listing all transactions involving the funds which have been deposited on the child's behalf, to include each receipt and disbursement, if any.*

*5. (1) The director of the department of social services shall apply for all waivers of requirements under federal law to implement the provisions of this section.*

*(2) This program shall not be implemented until the waiver has been obtained from the Secretary of the Department of Health and Human Services by the director of the department of social services.*

*208.345. The division of family services, with the cooperation of the division of vocational rehabilitation, shall establish a protocol where persons who qualify for public assistance, including [aid to families with dependent children,] general relief and medical assistance, because of a disability may be directed to an appropriate federal agency to apply for other benefits. The division of family services shall also establish a procedure to identify applicants and recipients who may be entitled to supplement or supplant state benefits with other benefits through the Social Security Disability, Railroad Retirement, Supplemental Security Income, Veterans, Qualified Medicare Beneficiary and Specified Low Income Medicare Beneficiary and other programs.*

*208.700. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partnership Program" is hereby created as a pilot program in the State of Missouri.*

*208.701. This program shall be organized by the department of social services in four areas of the state. These areas shall include the City of St. Louis, a city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county, a county of the first classification with a population of more than two hundred and five thousand inhabitants which is bordered by no other county of the first classification, and a county of the third classification. Any area desiring to be eligible to participate shall be required to provide the department of social services with no less than five written statements from organizations within the county declaring their intent to act as partners in the community partnership program. The department shall establish selection criteria for participation in this program. The program shall be implemented within the first six months from the effective date of this act. There shall be a publicized competitive bid process for selecting the participating organizations. As a result of such contracts, there shall be no displacement of current state workers who distribute public assistance.*

*208.703. As used in sections 208.700 to 208.737, the following terms shall mean:*

*(1) "Community partnership organization", any of the following which chooses to dispense public assistance to qualified individuals, and meets the requirements set forth in section 208.725:*

*(a) Governmental body; or*

*(b) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), of Title 26, United States Code, as amended;*

*(2) "Director", the director of the division of family services;*

*(3) "Division", the division of family services;*

*(4) "Program", the community partnership program established pursuant to this act;*

*(5) "Public assistance", the cash payment to a qualified individual ;*

*(6) "Qualified individuals", any individual who receives any cash assistance administered by the division of family services;*

*208.707. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing public assistance and providing services pursuant to section 208.715. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.*

*208.710. 1. The division shall:*

*(1) Determine and publicly disclose the aggregate amount of cash assistance to be dispersed for work first benefits, and the total costs for administering said assistance as a percentage of said aggregate amount;*

*(2) Calculate the cash assistance to be distributed to qualified individuals who choose to participate in the program in the same manner as the cash assistance distributed to those individuals who elect not to participate;*

*(3) Not reduce the monthly cash assistance of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;*

*(4) Not set a cash assistance amount for qualified individuals who elect to participate in a community partnership program that is less than the cash assistance amount of those who do not participate in the program;*

*(5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;*

*(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;*

*(7) Establish a method for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.*

*2. Payments to implement sections 208.700 to 208.737 shall be made from the community partnership program fund created in section 208.730.*

*208.712. Any community partnership organization may contract with the division to distribute cash assistance to qualified individuals who elect to participate in a community partnership program.*

*208.715. Any community partnership organization, in establishing and maintaining a community partnership program, may:*

*(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services not to exceed ten percent of the individuals cash assistance; however, the community partnership organization shall not charge a fee in excess of the cash value of the benefits and services provided to the individual.*

*(2) Supplement the cash assistance to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 208.707, with additional cash grants, gifts, or services, including, but not limited to, the following:*

*(a) Child day care in a child day care center;*

*(b) Job training;*

*(c) Transportation;*

*(d) Food or household necessities;*

*(e) Remedial education;*

*(f) Domestic skills training;*

*(g) Parenting instruction;*

*(h) Health benefits.*

*208.717. As a condition of the receipt of cash assistance or any other support provided by a community partnership organization, including those services set out in section 208.715, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:*

*(1) Perform any illegal act; or*

*(2) Participate in any religious instruction, activity or worship service.*

*208.720. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their cash assistance provided for in section 208.730, over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 208.715. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 208.722. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive cash assistance*

*as otherwise provided for by law.*

*208.722. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.*

*208.725. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 208.715:*

*(1) Meet the definition established in section 208.702, for community partnership organizations;*

*(2) Be in existence for a period of at least five years before they are eligible for the program;*

*(3) Demonstrate to the division, through a written report, the services that are to be provided;*

*(4) Allow audits of cash assistance distributed to recipients pursuant to sections 208.707 and 208.710;*

*(5) Agree that the community partnership organization will not discriminate on the basis of race, sex, age, disability, religion, or national origin; and*

*(6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.*

*208.730. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 208.700 to 208.730. Moneys shall be appropriated to the fund to provide cash assistance to qualified individuals that are at least equal to the cash assistance that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or cash assistance from any other source or sources, and make investments of the unexpended balances thereof."; and*

*Further amend said bill, Page 196, Section 454.1027, Line 13 of said page, by inserting immediately after all of said line the following:*

*"473.399. 1. As used in this section, the following terms mean:*

*(1) "Assistance", funds expended by a state agency to or on behalf of a person in the form of aid, care, or services, except that for the purposes of this section, [aid to families with dependent children] work first program benefits shall not be considered assistance;*

*(2) "Obligor estate", the estate against which an obligation [under] pursuant to this section arises;*

*(3) "Recipient", a person to whom or on whose behalf assistance is provided;*

*(4) "State agency", the department of social services, department of health and department of mental health of the state of Missouri.*

*2. For the purposes of this section, the providing of assistance shall create an obligation which may be recovered by filing a claim in the probate division of the circuit court against the decedent estate of the spouse of the deceased recipient upon such spouse's death as provided by the probate code of Missouri, chapters 472, 473, 474 and 475, RSMo. The amount of the state debt shall be the full amount of assistance without interest provided to the recipient during the marriage of such recipient and spouse; provided that the liability of the obligor estate shall not exceed the value of the combined resources of the recipient and the spouse of the recipient on the date of death of the recipient.*

*3. The state agency providing the assistance may initiate a claim on the debt against the obligor estate.*

*4. The obligor estate may assert as a defense to the state agency's claim that more than two years prior to the providing of assistance, the recipient voluntarily abandoned the spouse.*

*5. An obligor estate shall have the right of setoff against the state debt for any amounts recovered by the state agency from the estate of the deceased recipient pursuant to section 473.398.*

*6. Claims shall not be filed [under] pursuant to this section when collection of the state debt would be contrary to federal statutes for assistance programs in which federal funds are received."; and*

*Further amend said bill, Page 204, Section 620.145, Line 11 of said page, by inserting immediately after all of said line the following:*

*"660.016. If the state's net federal reimbursement allowance for fiscal year 1994 and subsequent fiscal years exceeds one hundred thirty million dollars, the department of social services shall include in its 1995 fiscal year budget recommendation that any revenues in excess of one hundred thirty million dollars subject to appropriation be designated for the following purposes:*

*(1) Loans for physicians and nurses who will serve in medically underserved areas of Missouri as designated by the director of health;*

*(2) Primary and preventive care initiatives, including parenting classes, as determined by the directors of health and social services; and*

*(3) Transitional medicaid expenses of [AFDC] work first program recipients who accept employment which does not provide a medical benefit. As used in this section, "net federal reimbursement allowance" shall mean that amount of the federal reimbursement allowance in excess of the amount of state matching funds necessary for the state to make payments required by subsection 1 of section 208.450, RSMo, or, if the payments exceed the amount so required, the actual payments made for the purposes specified in subsection 1 of section 208.450, RSMo. This section shall cease to be in effect if the revenues generated by sections 208.450 to 208.480, RSMo, become ineligible for federal financial participation, if payments cease to be made pursuant to section 208.471, RSMo, or if such sections expire in accordance with section 208.480, RSMo.*

*660.017. The department of social services may adopt, appeal and amend rules necessary to carry out the duties assigned to it. All rules shall be promulgated pursuant to the provisions of this section and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Including but not limited to sections 208.151, RSMo, 210.256, RSMo, and sections 6, 8, 10, 11, 13, 16, 23, 25 and 28 of this act any rule or portion of a rule promulgated shall become effective only as provided pursuant to chapter 536, RSMo, including, but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.*

*660.020. For the purposes of sections 660.020 to 660.026, the following terms mean:*

*(1) "Caseload standards", the minimum and maximum number of cases that an employee can reasonably be expected to perform in a normal work month based on the number of cases handled by, or the number of different job functions performed by, the employee;*

*(2) "Department", the department of social services;*

*(3) "Director", the director of the department of social services;*

*(4) "Professional caseload standards", caseload standards that are defined by national organizations such as the Child Welfare League, National Eligibility Workers Associations and the National Association of Social Workers, or caseload standards used in other states which have similar job titles.*

*660.023. 1. The director shall develop caseload standards based on the actual duties of employees in each program area of the department. The director shall consider the recommendations of the caseload standards advisory committee, established pursuant to section 660.026 when developing these caseload standards.*

*2. In establishing standards pursuant to sections 660.020 to 660.026, the director shall:*

*(1) Ensure the standards are based on the actual duties of the caseworker;*

*(2) Ensure the standards are consistent with existing professional caseload standards; and*

*(3) Consider standards developed by other states for workers in similar positions of employment.*

*3. Such standards shall be used by the director as the basis of the department's personnel budget request to the governor.*

*4. If an employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, good faith efforts to complete such assignments shall be among the factors considered in the employee's performance evaluation and before any disciplinary action is imposed. If an employee's performance evaluation is lowered or discipline is imposed by a supervisor, because the employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, the employee may file a grievance based on a claim of work expectations that exceed caseload standards, and the employee shall be entitled to an accelerated hearing of that grievance by the director.*

*5. Subject to appropriations, the department shall use the standards established pursuant to sections 660.020 to 660.026 to assign caseloads to individual employees.*

*6. The director shall promulgate rules prescribing the standards provided for in this section.*

*660.026. 1. The director shall convene, at least biannually, a caseload standards advisory committee which shall consist of seven nonsupervisory employees of the department and three division directors of the department or their designees. A representative of the employees' certified majority organization shall also serve on the committee. The caseload standards advisory committee shall include as nearly as possible employees from each program area of the department.*

*2. The caseload standards advisory committee shall review professional and other caseload standards and recommendations the committee considers appropriate and recommend to the department suggestions for minimum and maximum caseloads for each category of workers employed by the department.*

*[96.230. In all cities of the third class in this state there is hereby created and established, at the option of the mayor and common council of any such city, a board which shall be styled "The Social Welfare Board of the City of ...". All powers and duties connected with and incident to the relief and prevention of dependency, relief and care of the indigent, and the care of sick dependents, with the exception of the insane and those suffering with contagious, infectious and transmissible diseases, and excepting those persons who may be admitted to the county poorhouses of the counties in which such cities are located, shall be exclusively invested in and exercised by the board. The board shall have power to receive and expend donations for social welfare purposes, and shall have exclusive control of the distribution and expenditure of any public funds set aside and appropriated by such cities for relief of the temporary dependent. The board shall have power to sue and be sued, complain and defend in all courts, to assume the care of or take by gift, grant, devise, bequest or otherwise, any money, real estate, personal property, right of property or other valuable things, and may use, enjoy, control, sell or convey the same for charitable purposes, to have and to use a common seal and alter the same at pleasure. The board may make bylaws for its own guidance, rules and regulations for the government of its agents, servants and employees, and for the distribution of the funds under its control.]*

*[96.240. Said board shall have power to make all suitable provisions for the relief, maintenance and support of all indigent persons within said cities, and to make suitable provisions for the care and maintenance of the sick dependents and those who are unable to support themselves; to enforce the laws of the state, the ordinances of said cities, in regard to the indigent, and to make such rules and regulations in the conduct of its business not inconsistent with the laws of the state of Missouri, and the ordinances of said cities; to recommend to the common council of said cities the passage of such ordinances as said board may deem necessary for the welfare of the indigent of said cities. The board shall have the power to employ and discharge all persons or officers in their judgment necessary to carry on the work over which said board is given jurisdiction or control. Said board shall further have power to enter into cooperative arrangement with state or county agencies, or with charitable and philanthropic associations in order better to promote the objects of its work. Said board may act as agent for the county superintendent of public welfare within the limits of the city, under such arrangements as may be made jointly by them.]*

*[96.250. Said board shall be nonpartisan and nonsectarian and the members and officers thereof shall receive no compensation as such. Said board shall consist of the mayor of such cities, who shall be ex officio a member thereof, and six other members, men or women, who shall be appointed by the mayor and the common council of such cities, who shall hold office, two for one year, two for two years, and two for three years, whose term of office shall be designated by the mayor. Whenever the term of office of any member so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from the first of June following their appointment. Vacancies from any causes shall be filled in like manner as original appointment. The mayor may, for misconduct or neglect of duty, remove any members appointed by*

*him in the manner required for removal of officers of such cities.]*

*[96.260. Said members shall, immediately after their appointment, and annually thereafter, meet and organize by electing out of their number a president, vice president, treasurer and secretary. All subordinate officers and employees appointed shall give such bonds for the faithful discharge of their duties as may be required by the board.]*

*[96.270. All moneys received or appropriated for the use of said board shall be deposited with the treasurer, who shall give good and sufficient bond to said board for the safekeeping and proper expenditure of all funds placed in his hands, by or for the use of said board.]*

*[96.280. It shall be the duty of said board to keep a record of its proceedings and its receipts, expenditures and operations, and to annually render a full and complete itemized report, stating the condition of their trust, together with such other matters as they may deem of general interest to the mayor and common council of said cities; provided said board shall render reports concerning receipts, expenditures, operations, etc., whenever called for by the common council of said cities.]*

*[96.290. It shall be the duty of said board, when any person by himself or another applies for relief, to make immediate inquiry into the state and circumstances of the applicant, and if it shall appear that he or she is in such indigent circumstances as to require temporary relief, the said board shall furnish, out of the funds in its hands, such relief as the circumstances of the case may require; provided, that in all cases where the applicant for aid may be found dependent, and said applicant or member of said applicant's family is an able-bodied person, said board shall require such person to perform work to the value of the aid given.]*

*[161.193. 1. As used in this section, the word "council" means the state council on vocational education assigned to the department of elementary and secondary education by executive orders 85-3 and 85-5 in 1985.*

*2. The council shall provide to the department of economic development, the education committees of the house of representatives and the senate, and the appropriations committees of the house of representatives and the senate copies of all reports which the council is required to submit or does submit to the state board of education, the governor, the state job training coordinating council, the secretary of education and the secretary of labor, or any of the above.]*

*[205.590. Aged, infirm, lame, blind or sick persons, who are unable to support themselves, and when there are no other persons required by law and able to maintain them, shall be deemed poor persons.]*

*[205.600. No person shall be deemed an inhabitant within the meaning of sections 205.580 to 205.760, who has not resided in the county for the space of twelve months next preceding the time of any order being made respecting such poor person, or who shall have removed from another county for the purpose of imposing the burden of keeping such poor person on the county where he or she last resided for the time aforesaid.]*

*[205.610. The county commission of each county, on the knowledge of the judges of such tribunal, or any of them, or on the information of any associate circuit judge of the county in which any person entitled to the benefit of the provisions of sections 205.580 to 205.760 resides, shall from time to time, and as often and for as long a time as may be necessary, provide, at the expense of the county, for the relief, maintenance and support of such persons.]*

*[205.620. The county commission shall at all times use its discretion and grant relief to all persons, without regard to residence, who may require its assistance.]*

*[205.640. The several county commissions shall have power, whenever they may think it expedient, to purchase or lease, or may purchase and lease, any quantity of land in their respective counties, not exceeding three hundred and twenty acres, and receive a conveyance to their county for the same.]*

*[205.650. Such county commission may cause to be erected on the land so purchased or leased a convenient poorhouse or houses, and cause other necessary labor to be done, and repairs and improvements made, and may appropriate from the revenues of their respective counties such sums as will be sufficient to pay the purchase money in one or more payments to improve the same, and to defray the necessary expenses.]*

*[205.660. The county commission shall have power to make all necessary and proper orders and rules for the*

*support and government of the poor kept at such poorhouse, and for supplying them with the necessary raw materials to be converted by their labor into articles of use, and for the disposing of the products of such labor and applying the proceeds thereof to the support of the institution.]*

*[205.670. The several county commissions shall set apart from the revenues of the counties such sums for the annual support of the poor as shall seem reasonable, which sums the county treasurers shall keep separate from other funds, and pay the same out on the warrants of their county commissions.]*

*[205.680. Any county which now has or may hereafter have within such county a city having a special charter and which city now has or may hereafter have a population of not less than ten thousand inhabitants and not more than thirty thousand inhabitants shall, out of the funds of such county, provide for the care of the poor in said county, including poor of such city or cities, and no such city shall hereafter be exempt from any tax for the support of the poor of such county. No money shall hereafter be refunded to any such city by any such county on account of any money expended by said county for the support of the poor of said county.]*

*[205.690. Whenever such poorhouse or houses are erected, the county commission shall have power to appoint a fit and discreet person to superintend the same and the poor who may be kept thereat, and to allow such superintendent a reasonable compensation for his services.]*

*[205.700. Such superintendent shall have power to cause persons kept at such poorhouse, who are able to do useful labor, to perform the same by reasonable and humane coercion.]*

*[205.710. The county commission may at any time, for good cause, remove the superintendent and appoint another to fill the vacancy.]*

*[205.720. It shall be the duty of the superintendent of the poor, or poor farm, as provided for in sections 205.580 to 205.760, to keep a book furnished by the county commission, and enter therein a book account of all business transactions had or done or caused to be done by him as superintendent. Said book shall show an itemized account of all farm products, stock and other articles sold by the superintendent or by his authority, and of all articles purchased for the use of the poor, or for the use or improvement of the poor farm or the buildings thereon, and of all expenses for farm labor and other work or services done by order or contract of the superintendent, and of such other items as may be ordered kept therein by the county commission.]*

*[205.730. It shall be the duty of the superintendent to appear before the county commission on the first day of every regular session thereof, and at such other times as the commission may require, and present said book to said commission for their inspection. Should the superintendent fail or refuse to keep such book and present the same to the county commission, as provided in sections 205.580 to 205.760, it shall be considered sufficient cause for his removal, and it shall be the duty of the county commission to remove the same, and appoint another to fill the vacancy.]*

*[205.740. All money that shall come into the hands of the superintendent from the sale of farm products, stock or other articles belonging to the county, and all other money belonging to the county that shall come into his hands from other sources, except by warrants drawn in his favor by the county commission, shall be paid into the county treasury and placed with the fund for the support of the poor, and a receipt taken for the same.]*

*[205.750. Every superintendent, before entering upon his duties, shall enter into a bond to the state of Missouri in a sum not less than five hundred nor more than three thousand dollars, to be determined by the county commission, conditioned that he will faithfully account for all money belonging to the county that shall come into his hands, and that he will exercise due diligence and care over property belonging to the county, under his control. Said bond shall be approved by the county commission and filed with the clerk thereof.]*

*[205.760. Sections 205.720 to 205.750 shall not apply to any county where the support and keeping of the poor is let out by contract, nor to any county where the superintendent rents or leases the poor farm and stocks the same and furnishes the necessary farm implements used thereon at his own expense, and carries on said farm at his own expense.]*

*[205.765. 1. The county commission of any county of the first class may by resolution create a department of health and welfare which department shall be operated in the manner hereinafter set out.*

*2. Notwithstanding the provisions of subsection 1, no department of health and welfare shall be created in any county of the first class not having a charter form of government in which a county health center has been*

*established pursuant to the provisions of sections 205.010 to 205.150, whether or not the health center is established prior to the county's attaining first class status.]*

*[205.766. 1. The commissioners of the county commission shall during their term of office serve as commissioners of health and welfare of their respective counties and shall have charge and control of all county hospitals, clinics, health centers, institutions for the insane and all county corrective, welfare and eleemosynary institutions except the county jail and the place of detention used by the juvenile court.*

*2. Said commissioners shall have supervision of the rehabilitation of all state prisoners in the county jail after conviction and sentence thereto, subject to the approval of the county sheriff.*

*3. They shall perform investigational case work, excepting that relating to adoption, probation and detention of juveniles, in all cases involving the distribution and expenditure of any county funds.*

*4. They shall administer all laws relating to the county support of the poor and shall have charge of all boarding home care for all juveniles subject to the jurisdiction of the juvenile court and shall perform such other duties as provided by law.]*

*[205.767. The commissioners of health and welfare may appoint a director of health and welfare and the commissioners shall fix his compensation. The commissioners may also employ such assistants as are necessary and shall fix their compensation. The cost of salaries and expenses of the department shall be apportioned to any appropriate county fund.]*

*[205.769. 1. Any first class county not having a charter form of government and adjacent to a county of the first class having a charter form of government which does not contain a city with a population of three hundred thousand or more, and adjacent to not more than one county of the second class, may make health inspections of premises on or from which food is prepared, served, or sold to members of the general public for consumption by humans; except this act shall not apply to hospitals licensed under chapter 197, RSMo, or to nursing homes licensed under chapter 198, RSMo. Any county which makes inspections as authorized by this section shall also have the power and authority to issue licenses and to charge reasonable fees for such inspections, which fees shall not exceed the amount necessary to fund and implement an inspection program established pursuant to this section.*

*2. Such inspections shall be performed at least annually according to procedures established by the Missouri department of health and shall be performed in the most cost efficient manner. Inspections shall be performed by qualified employees of the county, or by contracting such services on a fee basis, at the discretion of the county commission. Any person making such inspections must meet the Missouri department of health qualifications.*

*3. No establishment described in subsection 1 of this section shall be issued a county license until it has passed inspection. Any such establishment which has been licensed and subsequently fails an inspection shall be given ten days to correct its deficiencies and if such establishment fails to correct its deficiencies, it shall be subject to license suspension and suspension of operations. If the establishment operates without the license, the owner is guilty of a class B misdemeanor. The license shall remain suspended until the deficiencies are corrected.*

*4. New establishments must submit plans for their operation to the county health department before construction proceeds and licenses are sought Establishments already doing business in the county shall not be subject to this subsection.*

*5. All religious, educational, nonprofit, fraternal or civic organizations shall be exempt from the fees authorized by the provisions of subsection 1 of this section.*

*6. From and after August 13, 1986, health inspections of the establishments described in subsection 1 of this section shall be performed only by the county and the state. Municipalities may provide for such health inspections only in those counties which do not provide for a health inspection throughout the county.]*

*[205.840. It shall be the duty of the board of police commissioners of said cities, and the health officers of said cities and counties to render said social welfare board, its officers and agents, such aid as may be requested by them, or either of them, whenever such aid requested shall reasonably come within the duties of said police board, its agents or officers or the health officers aforesaid.]*

*[205.850. The county commission in counties of the third and fourth classes may in its discretion, with an order of the juvenile court showing approval, appoint a county superintendent of public welfare, and such assistants as it may deem necessary. Whenever the county commission of any county has appointed a superintendent of public welfare such officer shall assume all the powers and duties now conferred by law upon the probation or parole officer of such county and shall assume all the powers and duties of the attendance officer in said county and all the powers and the duties of the attendance officer in any incorporated town or village having a*

*population of more than one thousand inhabitants, and no other or different probation or parole officer or attendance officer or officers shall be appointed by the judge of the juvenile court, by the county superintendent of public schools, or by the school board or any incorporated city, town, or village school district or consolidated school district.]*

*[205.860. The county commission shall fix the salary of the county superintendent of public welfare and of his assistants in its county.]*

*[205.870. It shall be the duty of the county superintendent of public welfare to administer all of the funds of the county devoted to outdoor relief and allowances to needy mothers. He shall seek to discover any cases of neglect, dependent, defective or delinquent children in the county, and take all reasonable action in his power to secure for them the full benefit of the laws enacted for their benefit. Assistants to the county superintendents of public welfare shall perform such of the duties of the county superintendent of public welfare as he may assign to them.]*

*[205.880. The county superintendent of public welfare may be deputized or authorized and required by the department of social services to act as its agent in relation to any work to be done by said department within the county, and when said county superintendent is so authorized as the agent of the department of social services, he shall have the same powers and authority as are given to the department of social services. The county superintendent of public welfare may at any time call on the department of social services for advice and assistance in the performance of his duties.]*

*[205.890. The county superintendent of public welfare in each county shall, upon the request of the department of mental health, and in accordance with its direction, give special care and attention to the needs of any patient recently discharged from the state hospital for the insane who resides in his county, either on parole or permanent discharge, to the end that such patients may be established in such favorable circumstances as shall tend to prevent their relapse into insanity, and shall report on the progress of such former patients to the department of mental health, and under its direction, to the institution from which they have been paroled or discharged.]*

*[205.900. 1. The county superintendent of public welfare shall give such oversight and supervision to prisoners who are on parole from the state penitentiary and are residing in his county, and to persons who are on parole from the Missouri Reformatory, and Missouri Training School for Boys and to girls on parole from the State Training School for Girls or from the State Training School for Negro Girls, as may be requested by the state department of corrections and human resources and shall report upon the progress of said paroled prisoners to the state department of corrections and human resources as often as it may request.*

*2. The county superintendent of public welfare in each county shall give oversight and supervision to prisoners on parole or probation by any court in the state of Missouri and shall investigate applications for clemency when requested to do so by said courts, and shall report in regard to each person placed under his supervision to the court placing said persons under his supervision.*

*3. The county superintendent of public welfare shall also give oversight and supervision to children placed on parole or probation by the juvenile court or the court having jurisdiction of children's cases in his county when requested to do so by said court and shall report to said court upon progress of persons thus placed on parole or probation.]*

*[205.910. The county superintendent of public welfare in each county shall cooperate with the state employment bureaus and shall, upon request of the head of such bureaus, furnish data with regard to the opportunities for employment in their respective counties and shall aid and assist in any practical way in securing employment for the unemployed in his county.]*

*[205.920. The county superintendent of public welfare and his assistants may be deputized by the director of the inspection section of the department of labor and industrial relations, as his agent or agents, and when they are so deputized by the director, they shall have the same powers and authority as deputy industrial inspectors.]*

*[205.930. The county superintendent of public welfare shall investigate the conditions of living among the poor, sick and delinquent in the county and examine thoroughly into causes of crime and poverty in the county and shall make recommendations from time to time to the proper state department, and to proper local authorities as to any change in conditions or in legislation necessary to prevent or reduce poverty, crime or distress in the state.]*

*[205.940. The records of cases handled and business transacted by the county superintendent of public welfare shall be kept in such manner and form as may be prescribed by the department of social services.]*

*[205.950. The county superintendent of public welfare shall each year prepare and keep on file, a full report of his work and proceedings during the year, and shall file a copy with the county commission and with the secretary of the department of social services.]*

*[207.090. 1. The division of family services of the department of social services shall, in cooperation with the division of aging, develop and establish a pilot project for the employment of persons age fifty-five or older as part-time case workers for the division. The project shall be of a three-year duration and shall be funded by federal funds and state appropriations made for that purpose, not to exceed fifty percent of the total cost of the project, and donations received from private persons, firms, or corporations. The project shall not exceed ten senior citizens at any one time, and no one senior citizen shall be assigned more than ten cases at any one time. The participants shall be compensated for their services in an amount not to exceed five thousand dollars a year each. The pilot project shall be established in each county of the first classification containing the major part of a city with a population of more than three hundred thousand. Annually, the division of family services shall report on the project to the governor and the general assembly.*

*2. The section shall expire on August 28, 1997.]*

*[208.040. 1. Aid to families with dependent children shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:*

*(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);*

*(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the division of family services, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive aid to families with dependent children benefits. Benefits may be granted and continued for this reason only while it is the judgment of the division of family services that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;*

*(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;*

*(4) Is a resident of the state of Missouri.*

*2. The division of family services shall require as additional conditions of eligibility for benefits that each applicant for or recipient of aid:*

*(1) Shall furnish to the division the applicant or recipient's social security number or numbers, if the applicant or recipient has more than one such number;*

*(2) Shall assign to the division of family services in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment is effective as to both current and accrued support obligations and authorizes the division of child support enforcement of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;*

*(3) Shall cooperate with the divisions of family services and of child support enforcement unless the division of family services determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child. The divisions of family services and of child support enforcement shall impose all penalties allowed pursuant to federal participation requirements;*

*(4) Shall cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services available under the state's plan for medical assistance as provided in section 208.152, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards; and*

*(5) Shall participate in any program designed to reduce the recipient's dependence on welfare, if requested to do so by the department of social services.*

*3. The division shall require as a condition of eligibility for AFDC benefits that a minor child under the age of eighteen who has never married and who has a dependent child in his or her care, or who is pregnant and otherwise eligible for AFDC benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised supportive living arrangement, as required by section 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:*

*(1) The individual has no parent or legal guardian who is living or the whereabouts of the individual's parent or legal guardian is unknown; or*

*(2) The division of family services determines that the physical health or safety of the individual or the child of the individual would be jeopardized; or*

*(3) The individual has lived apart from any parent or legal guardian for a period of at least one year prior to the birth of the child or applying for benefits; or*

*(4) The individual claims to be or to have been the victim of abuse while residing in the home where she would be required to reside and the case has been referred to the child abuse hotline and a "reason to suspect finding" has been made. Households where the individual resides with a parent, legal guardian or other adult relative or in some other adult-supervised supportive living arrangement shall, subject to federal waiver to retain full federal financial participation and appropriation, have earned income disregarded from eligibility determinations up to one hundred percent of the federal poverty level.*

*4. If the relative with whom a child is living is found to be ineligible because of refusal to cooperate as required in subdivision (3) of subsection 2 of this section, any aid for which such child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without regard to subsections 1 and 2 of this section.*

*5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo, either statewide or as pilot projects, in certain geographic areas, subject to obtaining necessary federal waivers and appropriation authority, and in compliance with state statutes. These policies may include:*

*(1) Increasing the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by July 1, 1998;*

*(2) Supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the aid to families with dependent children grant to employers who hire such recipients, provided that the department of social services shall develop a methodology and a process for addressing instances where a regular employee claims job loss because of replacement solely due to the employer's preference for hiring a worker whose wage is supplemented by an aid to families with dependent children grant.*

*6. Upon receipt of a federal waiver which allows such, the work history requirements and definition of "unemployed" shall not apply to parents under age twenty-one in order for these parents to be eligible for assistance under section 208.041.]*

*[208.041. 1. Notwithstanding the provisions of subdivision (2) of section 208.050, the provisions of section 208.040 shall also apply to a needy child who has been deprived of parental support or care by reason of the unemployment of a parent as such term "unemployment" is defined and determined by the division of family services pursuant to applicable federal law and regulations. The unemployed parent, for whose child or children benefits may be received, is eligible for payments and under this section must:*

*(1) Be physically present in Missouri, living in the home with the child or children, actively seeking employment, and complying with requirements made by the division of family services pursuant to applicable state and federal requirements for registration with the United States Secretary of Labor or his representative regarding employment, training, work incentive and special work projects;*

*(2) Have been unemployed for at least thirty days prior to receiving benefits under this section and must apply for and receive any unemployment benefits to which he or she is entitled, such benefits to be considered as unearned income in determining eligibility for aid to families with dependent children;*

*(3) Not have refused without good cause, within such thirty-day period prior to the receipt of such aid, any bona fide offer of employment which he or she is physically able to perform and otherwise qualified to engage in;*

*(4) Not have refused, without good cause, vocational rehabilitation, education, training, work incentive or special work projects offered;*

*(5) (a) Have six or more quarters of work within any thirteen-calendar-quarter period ending within one year prior to the application for such aid or have received or have been qualified to receive unemployment compensation within such one-year period;*

*(b) A "quarter of work" with respect to any individual shall mean a period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first in which he or she received earned income of not less than fifty dollars or in which he or she participated in a community work and training program or the work incentive program;*

*(c) An individual shall be deemed "qualified" for unemployment compensation under the state's unemployment compensation law if he or she would have been eligible to receive such benefits upon filing application, or he or she performed work not covered by such law which, if it has been covered, would, together with any covered work he or she performed, have made him or her eligible to receive such benefits upon filing application; and*

*(6) Be the natural or adoptive parent of the child or children or legally responsible for the support of the child or children.*

*2. The division of family services shall enter into a cooperative agreement with the state department of elementary and secondary education and the coordinating board for higher education for use of public vocational rehabilitation and education services and facilities in respect to the unemployed parent to the end that those capable of assimilating and utilizing the same may be trained or retrained.*

*3. The division of family services shall enter into an agreement with the division of employment security for registration and reregistration of unemployed parents, and shall refer them to the United States Secretary of Labor or his representative, within thirty days of receiving assistance, for the purpose of providing employment, training, work incentive and special work projects for all eligible unemployed parents as provided in section 208.042.*

*4. Payments shall be prorated within the limits of the appropriations, and shall not exceed the amount of the appropriations made therefor.*

*5. This section shall not become effective until June 16, 1983.]*

*[208.042. 1. In households containing recipients of aid to families with dependent children benefits, each appropriate child, relative or other eligible individual sixteen years of age or over shall be referred by the division of family services to the United States Secretary of Labor or his representative for participation in employment, training, work incentive or special work projects when established and operated by the secretary, to afford such individuals opportunities to work in the regular economy and to attain independence through gainful employment.*

*2. The division of family services, pursuant to applicable federal law and regulations, shall determine the standards and procedures for the referral of individuals for employment, training, work incentive and special work projects, which shall not be refused by such individuals without good cause; but no recipient or other eligible individual in the household shall be required to participate in such work programs if the person is*

*(1) Ill, incapacitated, or of advanced age;*

*(2) So remote from the location of any work or training project or program that he cannot effectively participate;*

*(3) A child attending school full time;*

*(4) A person whose presence in the household on a substantially continuous basis is required because of illness or incapacity of another member of the household.*

*3. The division of family services shall pay to the United States Secretary of Labor or his representative up to twenty percent of the total cost, in cash or in kind, of the work incentive programs operated for the benefit of the eligible persons referred by the division of family services; and the division of family services shall pay an amount to the secretary for eligible persons referred to and participating in special work projects not to exceed the maximum monthly payments authorized under sections 208.041 and 208.150 for recipients of public assistance benefits. An allowance in addition to the maximum fixed by section 208.150 may also be made by the division of family services for the reasonable expenses of any needy child or needy eligible relative which are attributable to his participating in a work training or work incentive program.*

*4. If an eligible child or relative refuses without good cause to participate in any work training or work incentive program to which he has been referred, payment to or on behalf of the child or relative may be continued for not more than sixty days thereafter, but in such cases payments shall be made pursuant to subsection 2 of section 208.180. If a relative has refused to so participate, payments on behalf of the eligible children cared for by the relative shall be made pursuant to subsection 2 of section 208.180.*

*5. The division of family services is authorized to expend funds to provide child day care services, when appropriate, for the care of children required by the absence of adult persons from the household due to referral and participation in employment, training, work incentive programs or special work projects.]*

*[208.043. 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits shall be granted on behalf of a needy child and may be granted to a needy eligible legal guardian caring for a needy dependent child who:*

*(1) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;*

*(2) Is living with a legal guardian;*

*(3) Is under the age of eighteen; and*

*(4) Is not eligible for aid to dependent children benefits under section 208.040 because the child is not living with a specified relative.*

*2. The amount of the monthly public assistance benefit payable hereunder shall be determined by the standards set forth in section 208.150.]*

*[208.047. 1. Notwithstanding the provisions of section 208.040, aid to dependent children benefits may be granted to a dependent child:*

*(1) Who would meet the requirements of section 208.040, except for his removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;*

*(2) For whose placement and care the division of family services is responsible;*

*(3) Who has been placed in a foster family home or nonprofit private child-care institution as a result of such determination; and*

*(4) Who (a) received aid to dependent children benefits in and for the month in which court proceedings leading to such determination were initiated; or (b) would have received aid in or for that month if application had been made therefor; or*

*(c) in the case of a child who had been living with a relative specified in section 208.040 within six months prior to the month in which such proceedings were initiated, would have received aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.*

*2. Monthly aid to dependent children benefits on behalf of a child placed in a foster family home or nonprofit private child-care institution shall not exceed one hundred dollars for each child and in the event that federal aid to states for dependent children placed in a nonprofit private child-care institution is withdrawn, benefit payments under this section shall be terminated on behalf of a dependent child in a nonprofit private child-care institution.]*

*[208.048. 1. A dependent child eighteen years of age shall, in order to retain eligibility for aid to families with dependent children, be enrolled as a full-time student in a public or private secondary school, or an equivalent level of vocational or technical school in lieu of secondary school, and reasonably expected to complete the program of the secondary school, or equivalent vocational or technical training.*

*2. The department of social services shall promulgate rules and regulations to carry out the provisions of this section pursuant to section 660.017, RSMo, and chapter 536, RSMo.]*

*[208.050. Aid to families with dependent children benefits shall not be granted or continued:*

*(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;*

*(2) To any person when benefits are claimed by reason of his physical or mental incapacity, and such person refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his capacity to support himself and his dependents, and it is certified by*

*competent medical authority designated by the division of family services that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the division of family services may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he endangers the health of others in his refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;*

*(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need applicable to the family:*

*(a) Such amount of income shall be considered income to the individual in the month received, and the household of which such person is a member shall be ineligible for the whole number of months that equals the sum of such amount and all other income received in such month, not excluded or disregarded by the division, divided by the standard of need applicable to the family;*

*(b) Any income remaining shall be treated as income received in the first month following the period of ineligibility specified in paragraph (a);*

*(c) For the purposes of this subdivision, where consistent with federal law or regulation, "income" shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member.]*

*[208.339. The office of administration, division of personnel, shall explore telecommuting employment options for aid to families with dependent children recipients.]*

*[208.342. The director of the department of social services shall, in conjunction with the state treasurer's office, coordinate an earned income tax credit program for qualifying AFDC recipients.]*

*[208.400. As used in sections 208.400 to 208.425 and section 452.311, RSMo, the following terms mean:*

*(1) "Case manager", an employee of the division having responsibility for the assessment of the participant's educational and employment needs and for assisting the participant in the development and execution of the service plan;*

*(2) "Community work experience program", as defined under section 201 of the Family Support Act of 1988 (P.L. 100-485), a program designed to enhance the employability of participants not otherwise able to obtain employment through providing training and an actual work experience;*

*(3) "Department", the department of social services;*

*(4) "Division", the division of family services of the department of social services;*

*(5) "Educational component", that portion of the Missouri job opportunities and basic skills training (JOBS) program which is intended to provide educational opportunities for participants. This component will include:*

*(a) "Adult basic education", any part-time or full-time program of instruction emphasizing reading, writing and computation skills, including day classes or night classes, which prepares a person to earn a Missouri high school equivalency certificate pursuant to section 161.093, RSMo;*

*(b) "High school education", instruction in two or more grades not lower than the ninth nor higher than the twelfth grade which leads to the award of a diploma provided by any school to a person, to the extent that such instruction conforms to the requirements established pursuant to section 201 of P.L. 100-485 and federal regulations promulgated under said section;*

*(c) "Postsecondary education", any part-time or full-time program of instruction in a community junior college, college or university as allowed by regulations of the department of health and human services; and*

*(d) "Vocational education", any part-time or full-time program of instruction of less than baccalaureate grade, including day classes or night classes, which prepares a person for gainful employment;*

*(6) "Employment component", that portion of the Missouri JOBS program which is intended to provide employment counseling, training, and referral and employment opportunities for participants;*

*(7) "JOBS", the job opportunities and basic skills training program for AFDC recipients developed by the division of family services;*

*(8) "Participant", any recipient who is participating in the Missouri JOBS program;*

*(9) "Recipient", any person receiving aid to families with dependent children benefits under section 208.040 or 208.041;*

*(10) "Service plan", as defined in section 201 of the Family Support Act of 1988 (P.L. 100-485), an employability plan designating the services to be provided by the department and the activities in which the participant will be involved; and*

*(11) "Transitional child care services", child day care services provided, as defined in sections 301 and 302 of the Family Support Act of 1988 (P.L. 100-485), to participants who have become ineligible for such services due to the increased wages of or hours of employment.]*

*[208.405. 1. No later than October 1, 1990, the division of family services shall establish and operate a job opportunities and basic skills training (JOBS) program for AFDC recipients.*

*2. The division of family services, subject to appropriation, shall administer the job opportunities and basic skills training (JOBS) program as provided in Part F of Title IV of the Social Security Act.*

*3. Pursuant to Public Law 100-485, state funds expended for education, training and employment activities, including supportive services, to assist aid to families with dependent children recipients in becoming self-sufficient shall be no less than the level expended for such purposes in fiscal year 1986.*

*4. The department shall plan and coordinate all the JOBS program with the Missouri Job Training Coordinating Council, educational training and basic skills training and opportunities afforded under the provisions of this act with the department of elementary and secondary education, the department of labor and industrial relations and the department of economic development so as not to duplicate any existing program and services now offered. The existing personnel in those departments together with such added personnel as may be authorized by appropriations shall be utilized in carrying out the provisions of this act.]*

*[208.410. 1. The division, in determining the priority of participation by individuals, shall give priority to volunteers as described in section 201 of P.L. 100-485.*

*2. The state plan for the job opportunities and basic skills training program shall include a publicity or recruitment program the goal of which shall be to ensure that volunteers for participation in the job opportunities and basic skills training program are served first and are given preference for available education, training and support services.*

*3. Any recipient who has a child under three years of age living in the home and is personally providing care for the child shall be exempt from required participation in the JOBS program.*

*4. Prior to the termination of any benefits or supportive services of a participant by the division as a sanction authorized pursuant to the provisions of this section, the participant shall be afforded a pretermination hearing, on the record, with an opportunity for the participant to be heard.*

*5. No person shall without good cause, as such term is defined in Public Law 100-485 and regulations defined thereunder, refuse services offered by the division pursuant to this section. The division may, by rule and regulation, provide sanctions against any person who violates the provisions of this subsection. Sanctions shall be consistent with the provisions of Title II, Section 201 of the Family Support Act of 1988.]*

*[208.415. 1. The division shall adopt rules and regulations pursuant to chapter 536, RSMo, to administer such program. Such rules shall include procedures for referral of individuals for education, employment, job search, training including on-the-job training, and special work projects. Such rules may implement any optional provision of the Family Support Act of 1988.*

*2. An initial assessment of the educational, child care, and other supportive services needs as well as the skills, prior work experience, and employability of each participant in the program including a review of the family circumstances shall be completed for all participants. This assessment shall be completed in consultation with the participant.*

*3. On the basis of the assessment, the division, in consultation with the participant, shall develop a service plan for the participant. The service plan shall explain the services that will be provided by the state agency and the activities in which the participant will take part under the program, including child care and other supportive services, shall set forth a service goal for the participant, and shall, to the maximum extent possible and consistent with sections 208.400 to 208.425, and section 452.311, RSMo, reflect the respective preferences of such participant. The plan shall take into account the participant's supportive services needs, available program resources, and local employment opportunities. The plan shall include a description of the rights, duties, and responsibilities of the participant and the division.*

*4. The division may operate a community work experience program in accordance with section 201 of P.L. 100-485. The program shall be voluntary for thirty-six months after July 27, 1989, after which time those individuals who have received AFDC benefits for thirty-six of the preceding sixty months may be required to participate in the community work experience program.]*

*[208.500. 1. Sections 208.500 to 208.507 shall be known as "Transitional Benefits Demonstration Project". Subject to appropriations and receipt of a federal waiver, the division of family services shall establish a three-year demonstration project which shall provide transitional benefits to families who lose their eligibility for assistance under aid to families of dependent children because of an increase in earned income.*

*2. As used in sections 208.500 to 208.507, the following terms mean:*

*(1) "Child care", child care services provided by the division of family services;*

*(2) "Division", division of family services of the department of social services;*

*(3) "Medical services", those services provided for under section 208.152;*

*(4) "Participant", any recipient who is participating in the demonstration project;*

*(5) "Project", a demonstration project directed at AFDC recipients who become ineligible for benefits due to an increase in earned income, in which such recipients can receive child care and medical services for an indefinite period of time, not to exceed three years, to assist in the transition from welfare to employment;*

*(6) "Recipient", any person receiving aid to families of dependent children benefits under section 208.040 or 208.041.]*

*[208.503. 1. The division shall select project participants from applicants who meet the criteria and requirements set forth in subsection 3 of this section.*

*2. Subject to appropriations, the division shall provide child care and medical services to no more than two hundred fifty head-of-household participants. Such child care and medical services will continue until the earned income of the participant is at least two times the minimum wage. The division shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires that as the recipient's earned income increases, the recipient shall contribute to the cost of the assistance in accordance with a sliding scale fee established by rule.*

*3. In order to be considered for selection as a prospective project participant pursuant to sections 208.500 to 208.507:*

*(1) A person shall apply to the division to participate in the program;*

*(2) An applicant shall have been a recipient of AFDC benefits for at least twelve of the last thirty-six months preceding application;*

*(3) The applicant shall have become ineligible for AFDC benefits due to an increase in earned income, within the year preceding application, or is currently receiving transitional child care services as defined in section 208.400;*

*(4) The applicant shall be employed at the time of application and not receiving employer paid child care or medical services;*

*(5) The applicant shall meet any other criteria as determined by the division of family services.]"; and*

*Further amend said bill, Page 206, Section 5, Line 6 of said page, by inserting immediately after all of said line the following:*

*"Section 6. 1. By July 1, 1997, the department of social services shall establish and implement the "Families Work Program" in accordance with "The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Title IV, Section 401 et seq., as amended. All funds received by the state for this program shall be subject to appropriation by the state legislature consistent with the terms and conditions of Part A of Title IV of the Social Security Act and the Child Care and Development Block Grant Amendments of 1996, as amended, and any applicable state laws.*

*2. The department of social services shall inform all applicants and recipients of assistance of any funds through the families work program that such assistance shall be used for the purpose of obtaining self-sufficiency.*

*3. Unless otherwise indicated in this legislation, the department of social services shall act consistently with the provisions certified in the plan submitted to the United States Department of Health and Human Services on September 30, 1996, or subsequent certification dates for funds from the Temporary Assistance for Needy Families Block grant. As indicated in that plan, the state of Missouri shall:*

*(1) Operate a child support enforcement program;*

*(2) Operate a foster care and adoption assistance program; and*

*(3) Establish and enforce standards and procedures to ensure against program fraud, including prevention of nepotism, conflicts of interest and kickbacks.*

*4. The state of Missouri shall also continue to operate the following waivers granted under section 1115 of the Social Security Act:*

*(1) The Missouri families mutual responsibility plan that began on July 1, 1995, and is scheduled to operate through June 30, 2000, statewide; and*

*(2) The 21st century communities demonstration plan that began on January 31, 1993, and is scheduled to operate through January 31, 2005.*

*5. The goals of the families work program are to:*

*(1) Move families from welfare to work and increase their opportunities to achieve self-sufficiency;*

*(2) Insure accountability on the part of persons who receive government assistance and the state agencies' administering programs that serve Missouri's low-income families;*

*(3) Create a program that is tailored to meet the individual needs of the adult diverse population as a transition to work;*

*(4) Provide assistance to Missouri's needy children and families while maintaining assistance on a fair and consistent basis through the state;*

*(5) Encourage and facilitate meaningful contact and relationships between children and non-custodial parents whenever it is in the best interest of the children;*

*(6) Build on Missouri's already successful welfare reform efforts;*

*(7) Maximize Missouri's receipt of federal funds;*

*(8) Simplify program rules by coordinating Missouri's programs that serve low-income families;*

*(9) Insure health care coverage to the maximum extent possible for needy children and families; and*

*(10) Reducing the number of out-of-wedlock births.*

*6. The department of social services shall administer a fund to be known as the "Missouri Families Work Program Fund", which is hereby created in the state treasury. Moneys deposited in the fund shall equal one hundred percent of federal funds granted to the state by the United States Department of Health and Human Resources pursuant to The Personal Responsibility and Work Opportunity and Reconciliation Act of 1996, as amended, also known as the federal TANF block grant, moneys appropriated by the general assembly and any private donations or grants. These funds shall first be used for the work first program and any remaining funds shall be expended through the child support assurance program.*

*7. The unexpended balance of funds received from the federal TANF Block Grant, and the interest earned on such funds at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.*

*8. The department of social services, division of family services shall collect and record in computer readable format data describing the demographics of persons applying for and receiving or not receiving public assistance and the actions taken by the department of social services, division of family services. The data shall cover applications, determinations of eligibility, granting, changing or denying benefits, amounts of benefits, sanctions, length of time on public assistance, age, physical or mental disability, incapacity to work as provided in subsection 7 of section 8 of this act, county and zip code of residence. The data collection shall be integrated with the tracking required under The Personal Responsibility and Work Opportunity Reconciliation of 1996, as amended, to avoid duplication.*

*9. The data, devoid of personal identification, shall be made available at actual cost of reproduction to universities or colleges and state agencies doing research on public assistance programs in a computer readable format.*

*10. The office of administration shall contract with an agency or entity independent of the department which has demonstrated expertise and experience in evaluating the success of programs of public assistance or human social development. In developing the request for proposal, the office of administration shall consult with the departments of elementary and secondary education, social services, mental health, labor and industrial relations, health and economic development. The purpose of the study will be to measure the performance of the public assistance system including inequities in the system. The scope of the study shall apply the science of statistics and probability to identify the demographics of persons receiving public assistance and the response of the public assistance system to the needs of the applicants and recipients. The study shall also look for patterns and anomalies based upon residence, county, division of family services region, race, age, marital status, gender, or other demographic categories.*

*11. The contractor shall do an annual analysis of the data and report on the performance of the public assistance system and any anomalies and inequities to the department of social services, the governor and the general assembly.*

*12. No person shall without good cause, as such term is defined in Public Law 104-193 and regulations defined thereunder, refuse services offered by the department pursuant to this section. The department may provide sanctions against any person who violates the provisions of this subsection.*

*13. In recognition of the reality of family violence for some individuals who may need public assistance, and to ensure that applicants and recipients who are victims of abuse as defined in section 455.010, RSMo, are not placed at risk of abuse or unfairly penalized, the department shall, in accordance with the plan identified in subsection 3 of this section:*

*(1) Identify applicants and recipients who are such victims while protecting their confidentiality;*

*(2) Refer these individuals for supportive domestic violence services to increase self-sufficiency;*

*(3) Assess the need for a determination of good cause or hardship exemptions from families work requirements if such requirements place such applicants and recipients at risk of abuse.*

*14. (1) There is hereby established a joint committee of the general assembly to be known as the "Joint Legislative Welfare Reform and TANF Block Grant Oversight Committee". Such committee shall be composed of seven members of the senate, no more than two of which shall be members of the senate appropriations committee, appointed by the president pro tem of the senate, and seven members of the house of representatives, no more than two of which shall be members of the house budget committee, appointed by the speaker of the house. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when such term of office as a member of the general assembly has expired. The joint committee shall meet at least quarterly. Committee members shall receive no additional compensation, but shall be reimbursed for reasonable and necessary expenses related to fulfilling the duties of the committee. Such expenses shall be paid from the joint contingency fund. No more than four members of the senate and four members of the house shall be from the same political party. A majority of the members shall constitute a quorum.*

*(2) The joint committee may, within the limits of its appropriations, employ such persons necessary to carry out its duties. The compensation of such personnel shall be paid from the joint contingency fund. The joint committee may, within limits of appropriations for that purpose enter into contracts to provide such professional, legal or technical assistance as may be necessary for it to perform its functions.*

*(3) The duties of the joint committee shall include, but may not be limited to:*

*(a) Monitoring the design and implementation of the provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;*

*(b) An annual review of the implementation of the state waivers and recommendations based upon such review submitted to the president pro tem of the senate and the speaker of the house of representatives regarding the continuance or discontinuance of such waivers;*

*(c) An annual evaluation of the funding levels, based upon the information provided by the department with recommendations submitted to the president pro tem of the senate, speaker of the house of representatives, chair of the senate appropriations committee and chair of the house budget committee regarding appropriate levels of funding for the families work act;*

*(d) Based on the analysis of the statewide data base of public assistance recipients provided by the department, make recommendations to the president pro tem of the senate and speaker of the house of representatives about which categories of needy individuals and families to exempt from the work participation requirements pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996;*

*(e) Making recommendations for administrative or procedural changes in the internal management or organization of the state agencies which provide or regulate public assistance programs;*

*(f) Compiling a report of its activities to be submitted to the members of the general assembly and the governor not later than January fifteenth of each year; and*

*(g) Any state funded agency which provides or regulates health care services shall cooperate with and assist the joint committee in the performance of its duties and shall make available all books, records and information as requested by the joint committee.*

*15. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.*

*Section 7. 1. Subject to necessary federal waivers and appropriation authority, the department of social services shall implement programs and policies designed to provide transition to work benefits, as determined through individualized biannual assessments of needy families, as a part of the self-sufficiency pact. These programs shall include cash benefits, transportation assistance, child care and assistance with expenses related to job placement and employment. Child care income guidelines shall be assessed annually to determine if the availability of resources is sufficient. The eligibility criteria shall not exceed the income eligibility requirements for Medicaid for pregnant women and children. The department may implement such programs statewide or as pilot projects in specific geographical locations. These shall include programs designed to supplement the wages of recipients of benefits for twelve months or as provided by federal waivers by directing benefits provided through the work first program to employers who hire such individuals, pursuant to section 23 of this act.*

*2. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection for employees from job displacement.*

*Section 8. 1. Missouri shall maintain its effort of spending in order to maximize the state's receipt of federal funds under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and to successfully implement programs that serve Missouri's low-income families and help them achieve self-sufficiency. The state of Missouri shall:*

*(1) Appropriate no less than one hundred percent of its fiscal year 1994 non-federal expenditures on "qualified state expenditures" as defined in section 409(a)(7)(B) of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended; and*

*(2) Maintain at least one hundred percent of the greater of its fiscal year 1994 or fiscal year 1995 non-federal expenditure on child care programs, as required by section 603(b) of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, in order to draw down the maximum amount of federal child care funds available to Missouri under The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.*

*2. The qualified state expenditures that will count toward the maintenance of effort requirement for the TANF block grant are:*

*(1) State spending in the program created by the block grant on eligible families for:*

*(a) Cash assistance;*

*(b) Child care;*

*(c) Educational activities, designed to increase self-sufficiency, job training and work, excluding any expenditure for public education except expenditures which involve the provision of services or assistance to a member of an eligible family which is not generally available to persons who are not members of an eligible family;*

*(d) Administrative costs, as defined by the state, not to exceed fifteen percent of the total amount of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Title I block grant; and*

*(e) Any other use of funds allowed under the grant. Such funds shall be expended in a manner that does not jeopardize the abilities of needy children and families to obtain public assistance;*

*(2) State expenditures in excess of the amount spent in fiscal year 1994 for other state or local programs on eligible families for the activities listed in subdivision (1) of this section;*

*(3) State spending on families who would otherwise be eligible for assistance if not for the application of the five year lifetime limit on federal benefits; and*

*(4) State expenditures that would have received federal match funds under former programs.*

*3. The Department of Social Services shall administer a fund to be known as the "Missouri General Revenue Maintenance of Effort Fund", which is hereby created in the state treasury. Moneys deposited in the fund shall equal one hundred percent of state funds expended in fiscal year 1994 on the aids to families with dependent children program, aid to families with dependent children related child care programs, the job opportunities and basic skills training program and emergency assistance programs. Eighty percent of such moneys deposited in the fund shall be appropriated for the qualified state expenditures provided in subsection 2 of section 8 of this act. These funds shall first be used to fund work first program and any remaining funds shall be expended through the child support assurance program. The remaining twenty percent shall remain in the fund subject to appropriation at the sole discretion of the general assembly. The general assembly may, but shall not be limited to, expending these funds through the work first program or the child support assurance program.*

*4. The unexpended balance existing in the fund and the interest earned on the fund at the end of any biennium year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended*

*balances to the general revenue fund.*

*5. To reduce the number of applicants for public assistance, the department of social services may also use the Missouri general revenue maintenance of effort fund or Missouri families work program fund for temporary assistance for needy families to eliminate barriers to accepting employment and to assist individuals in remaining in the work place. Such funds may be used for, but not limited to, child support assurance payments, assisting families in making a child care payment, primary housing payment or rent or utilities payment, transportation allowance payment, work-related expense payment, medical expense payment, including personal care attendants for the disabled, that is not covered by Federal Title XIX or third party insurance payors. Such payment shall be limited to a non-recurring payment and shall be made directly to vendors or to reimburse individuals for the purchase of receipted necessary materials.*

*6. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served is not able to meet the federal work requirements due to age or due to physical or mental disabilities.*

*7. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program to provide cash assistance to immigrants otherwise qualified to participate in the Missouri work first program. Such assistance shall be the equivalent to the assistance provided to an eligible family pursuant to the Missouri work first program for a family of the same size.*

*8. The Missouri general revenue maintenance of effort fund may also be used to provide assistance by establishing criteria for a state only funded program when the adult population served is not able to meet the federal work requirements due to incapacity of the adult to work because of the incapacity of the adult caretaker or the caretaker's dependent as determined by the department by rule. Beginning fiscal year 1999 the funding for this subsection shall be appropriated as a separate item. The provisions of this subsection shall expire on January 1, 2005.*

*8. The provisions of this section shall expire on June 30, 2002.*

*Section 9. As used in sections 9 to 28 of this act and any other sections administering the families work program, the following terms mean:*

*(1) "Department", the department of social services and all its divisions;*

*(2) "Household", families that include a minor child who resides with a custodial parent, legal guardian or other caretaker relative;*

*(3) "Minor child", an individual who:*

*(a) Has not attained eighteen years of age; or*

*(b) Has not attained nineteen years of age and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.*

*(4) "Work activity",*

*(a) Unsubsidized employment;*

*(b) Unsubsidized private sector employment;*

*(c) Subsidized public sector employment;*

*(d) Work Experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available;*

*(e) On-the-job training;*

*(f) Job search and job readiness assistance;*

*(g) Community service programs;*

*(h) Vocational educational training, not to exceed twelve months with respect to any individual;*

*(i) Job skills training directly related to employment;*

*(j) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;*

*(k) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence in the case of a recipient who has not completed secondary school or received such a certificate; and*

*(l) The provisions of child care services to an individual who is participating in a community service program.*

*Section 10. 1. The department of social services through the families work program shall establish the "Work First Program" to replace the Aid to Families with Dependent Children (AFDC), the Job Opportunities and Basic Skills (JOBS) and the Title IV-A Emergency Assistance Program. The work first program will stress self-sufficiency through employment and shall require that adults be responsible for fulfilling their individual self-sufficiency plans, as defined in section 208.325, RSMo, while requiring the state to support targeted populations trying to secure and retain employment.*

*2. The work first program shall move able-bodied adults into work activities as an alternative to receiving public assistance. The department of social services shall establish the eligibility requirements for the work first program which shall be no more restrictive than those requirements in place on July 16, 1996, subject to the provisions of section 11 of this act.*

*3. Any individual wishing to make application for any of the public assistance programs administered or supervised by the state shall have the opportunity to do so. Such public assistance shall be furnished with reasonable promptness to each eligible individual in accordance with statute and rules of the department. The department or a division of the department shall consider an application for public assistance to be for any category of public assistance for which the applicant or the applicant's dependents may be eligible.*

*Section 11. 1. The department of social services shall determine eligibility requirements of the work first program. Such eligibility requirements shall include income and asset limits and shall also include, but not be limited to:*

*(1) Requiring an applicant to participate in the work first program work activities as defined in section 21 of this act, with exclusions approved by the department;*

*(2) Requiring an applicant to be a resident of the state of Missouri, and a United States citizen or a legal immigrant who resided in the United States prior to August 22, 1996; however, qualified legal aliens shall be allowed to apply for and receive public assistance funded through the federal TANF block grant program;*

*(3) Requiring an applicant to provide his or her Social Security number or numbers, if the individual has more than one such number, and by requiring the applicant for or recipient of benefits to cooperate with the department to obtain a social security number;*

*(4) Establishing that assistance benefits shall only be paid to families that include at least one minor child who resides with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, legal guardian or other adult caretaker relative of the minor child;*

*(5) Requiring an applicant for benefits to state in writing, during the application process, whether that individual or any member of his or her household has been convicted under federal or state law of a felony offense which has as an element of the offense the possession, use or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 USC 802(6). This subdivision shall only apply to convictions occurring after August 22, 1996, the date of the enactment of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;*

*(6) Compliance with all requirements regarding the assignment of rights to support by any recipient of or applicant for benefits; and*

*(7) Participation by any recipient of or applicant for benefits in procedures to establish paternity and to identify the father of a child for whom assistance is sought, unless such individual has good cause for refusing to cooperate as determined by the department of social services in accordance with federally prescribed standards in effect as of July 16, 1996.*

*2. For the purpose of determining eligibility to receive, or the amount of, any assistance or benefits through the Missouri work first program, the department of social services shall disregard funds made to or maintained in, including interest accruing on an individual development account.*

*3. Individuals who are not eligible for the supplemental security income program solely due to citizenship status may apply for and receive assistance through the Missouri work first program.*

*4. The department of social services is authorized to propose rules and regulations necessary to implement the programs referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.*

*Section 12. The income levels and resource limits which qualify a family for benefits shall be determined by the department, shall be no more restrictive than those in place on July 16, 1996, for the aid to families with dependent children program, and shall be uniformly applied throughout the state.*

*Section 13. 1. The department shall require, as a condition of eligibility for benefits through the work first program, that each applicant for or recipient of benefits shall assign to the department any rights to support from any other person that such applicant or recipient may have on his or her own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving benefits. Such assignment of rights to support shall take effect upon a determination by the department that the applicant is eligible for assistance through the work first program. The assignment shall be effective for current and accrued support obligations and shall authorize the division of child support enforcement of the department of social services to bring an administrative or judicial action to establish or enforce a current support obligation, to collect support arrearage that have accrued under an existing order for support, or to seek reimbursement of a support obligation pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.*

*2. The department shall not require as a condition of eligibility for benefits through the work first program that any member of a family must assign to the department any rights to support which accrue after the date the family leaves the program.*

*3. The department of social services shall implement the provisions necessary to collect current and accrued support obligations unless the department determines that such implementation is contrary to the best interest of a child on whose behalf benefits are claimed or of the caretaker of such a child. Such provisions shall include establishing the paternity of a child for whom support is claimed or obtaining any other payments or property that are due to such applicant or child. The divisions of family services and child support enforcement shall impose such sanctions as are consistent with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, and are otherwise provided for by state law and through rules and regulations promulgated by the department of social services.*

*4. If the division of child support enforcement determines that an individual who is receiving benefits through the work first program fails or refuses to cooperate in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child and for whom benefits are sought or received and if the individual does not demonstrate to the satisfaction of the department good cause for such failure or refusal to cooperate or enforce a support order, the department shall impose sanctions. The department shall promulgate such regulations as are necessary to implement this statute, including setting forth time frames for ineligibility and establishing such exemptions as are deemed appropriate. The department shall promulgate rules concerning the implementation of this section.*

*5. Child care support is defined as the legal obligation of an individual to provide an amount required to be paid under a judgment decree or order, whether temporary or final, issued by a court of competent jurisdiction or an administrative agency specifically for the child care expenses of a child. Any rights to receive child care support under a state program funded under Part A of the Social Security Act or under the state plan approved under Part A of the Social Security Act are assigned to the state as a pre-condition of receiving child care assistance. Assignment of child care support does not constitute an assignment of the child support amount awarded for the basic child needs of food, clothing and shelter but only for the assignment of the specific award for child care costs.*

*6. The department of social services is authorized to propose rules and regulations necessary to implement the programs and sanctions referenced in this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.*

*Section 14. 1. Work first program benefits shall be granted on behalf of a needy child and may be granted to a caretaker relative or legal guardian caring for a needy dependent child if the child:*

*(1) Has been deprived of parental support or care by reason of the unemployment, death, continued absence from the home, or physical or mental incapacity of a parent;*

*(2) Is living with a caretaker relative or legal guardian;*

*(3) Is under the age of eighteen; and*

*(4) Is not eligible for work first program benefits under section 20 of this act because the child is not living with a parent or stepparent.*

*2. The amount of the monthly public assistance benefit payable hereunder shall be determined by the standards set forth in section 208.150, RSMo.*

*Section 15. Federal Title IV-E eligibility may be granted to a dependent child:*

*(1) Who would meet the requirements of aid to families with dependent children in effect as of June 1, 1995, except for his removal from the home of a relative as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;*

*(2) For whose placement and care the division of family services is responsible;*

*(3) Who has been placed in a foster family home, or in either a for profit or nonprofit private child-care facility as a result of such determination; and*

*(4) Who:*

*(a) In and for the month in which court proceedings leading to such determination were initiated would have qualified for aid to families with dependent children under the requirements in effect on June 1, 1995, if application had been made therefor; or*

*(b) In the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have qualified for such aid in and for such month, if in such month he had been living with, and removed from the home of, such a relative and application had been made therefor.*

*Section 16. 1. The department is not prohibited by federal law from testing applicants or recipients of public assistance for the use of controlled substances or from sanctioning those who test positive for the use of such substances. Recipients of work first program benefits and food stamp recipients, who are required to participate in a work activity in order to retain their eligibility for such programs and who are denied employment due to failing an employer-required controlled substance screening, shall have sixty days to become employed with the screening employer or obtain other employment.*

*2. (1) Denial of employment after failing a controlled substance screening and failure to become employed within sixty days of the screening shall result in a sanction of the work first program benefits and food stamp benefits for the individual for a minimum of thirty days but not more than sixty days unless the department locates payment resources for drug rehabilitation.*

*(2) A second or subsequent denial of employment for failing a second or subsequent controlled substance screening shall result in a sanction of the work first program benefits and food stamp benefits for the individual for a minimum of six months unless the department locates payment resources for drug rehabilitation.*

*3. All records obtained in an employer-required controlled substance screening, shall remain confidential between the applicant, the employer and the department.*

*4. An individual who has been convicted under federal or state law after August 22, 1996, of any felony offense which has as an element of the offense the possession, use, or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 USC 802(6), shall be sanctioned for a time period from receipt of benefits through any state program funded or carried out under Part A of Title IV of the Social Security Act or the Food Stamp Act of 1977.*

*5. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, may, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be sanctioned as determined by the department director or his designee, for some or all public assistance benefits for a period up to one year from the date of the administrative hearing.*

*6. The director shall promulgate rules to effectuate the provisions of this section.*

*Section 17. 1. A dependent child eighteen years of age shall, in order to retain eligibility for benefits through the work first program, be enrolled as a full-time student in a public or private secondary school, or an equivalent level of vocational or technical school.*

*2. Any sanction imposed by the department for a recipient's failure to comply with requirements of subsection 1 of this section shall continue until the minor child is attending school. Good cause exceptions to this requirement may be made by the department if there is substantial evidence that the action of the parent or caretaker presents a probability of serious harm to the parent or caretaker.*

*3. Prior to imposing a sanction, the department shall make a reasonable effort to resolve disputes when a recipient of benefits through the work first program fails to meet the program requirements. Reasonable efforts shall include a written notice to the recipient of an intent to sanction. The notice shall include actions the recipient may take to avoid sanctions, an offer to discuss barriers to participation and, if appropriate, alternative program provisions that may be incorporated in an individual responsibility plan.*

*Section 18. The department shall deny benefits through the work first program to or on behalf of:*

*(1) Any member of a family that includes an adult who has received benefits for sixty months or more, whether or not consecutive, through this program or any other state program that has been created and funded through the provisions of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, after the date such state program has commenced unless:*

*(a) In any month during which benefits were provided to that individual he or she:*

*a. Was a minor child; and*

*b. Was not the head of household or married to the head of household;*

*(b) Benefits were provided to the individual during a month in which he or she lived on an Indian reservation or in an Alaskan Native village as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended; or*

*(c) The department elects to extend the period of eligibility for benefits for the individual and his or her family members;*

*(2) An individual who has been convicted in federal or state court of having made a fraudulent statement or representation with respect to his or her place of residence in order to receive benefits simultaneously from two or more states under programs that have been created and funded through The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Title XIX, the Food Stamp Act of 1977, the Supplemental Security Income Program under Title XVI, or any program under Title IV-D of the Social Security Act. The period of ineligibility shall begin on the date the individual was convicted of the offense and shall continue for ten years;*

*(3) An individual who:*

*(a) Is fleeing to avoid prosecution for custody or confinement after he or she has been convicted under any federal or state law of a crime which is a felony or, in the state of New Jersey, is a high misdemeanor; or*

*(b) Is violating a condition of probation or parole imposed under any federal or state law;*

*(4) An individual or on behalf of a minor child who has been or is expected by a parent or other caretaker relative to be absent from the home for such period of time as is designated by the department in Missouri's state plan filed pursuant to The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;*

*(5) The parent or other relative caretaker of a minor child who fails to notify the department of the absence of a minor child from the home by the end of the fifth day after it becomes apparent to the parent or relative caretaker that the child will be absent from the home for the period of time established by the department of social services and referred to in subdivision (4) of this section;*

*(6) An individual who is a recipient of assistance through other specific state programs designated to provide supplemental aid;*

*(7) Any other individual who is precluded from receiving benefits in accordance with the provisions of The Personal Responsibility and Work Opportunity Act of 1996, as amended.*

*Section 19. Work first program benefits shall not be granted or continued:*

*(1) Unless the benefits granted are used to meet the needs of the child and the needy eligible relative caring for a dependent child;*

*(2) To any person who refuses to accept vocational rehabilitation services or training or medical or other legal healing treatment necessary to improve or restore his capacity to support himself and his dependents, and it is certified by competent medical authority designated by the division of family services that such physical or mental incapacity can be removed, corrected or substantially improved; provided, however, the division of family services may in its discretion waive this requirement, taking into consideration the age of the individual, nature and extent of training and treatment, or whether he endangers the health of others in his refusal, whether the training or treatment is such that a reasonably prudent person would accept it, and all other facts and circumstances in the individual case;*

*(3) To a household that receives in any month an amount of income which together with all other income for that month, not excluded or disregarded by the division, exceeds the standard of need established by the department of social services. For the purposes of this subdivision, where consistent with federal law or regulation, "income" as established by the department of social services in conformance with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, shall not include the proceeds of any life insurance policy, or prearranged funeral or burial contract, provided that such proceeds are actually used to pay for the funeral or burial expenses of the deceased family member, earnings of a student in school eighteen years of age or younger, child support assurance or earned income tax credit.*

*Section 20. 1. Except as otherwise provided in this section, benefits through work first program shall not be provided to an unmarried individual who has not attained the age of eighteen years if the individual:*

*(1) Has a minor child at least twelve weeks of age in his or her care and the individual has not successfully*

*completed a high school education or a course of study resulting in a certificate of general equivalence unless the individual participates in:*

*(a) Educational activities directed toward the attainment of a high school diploma or a certificate of general equivalence; or*

*(b) An alternative educational or training program that has been approved by the department; or*

*(2) Is a single custodial parent of a child not residing in a home in which his or her parent(s), guardian(s), or adult relative(s) is also residing. Exceptions to this requirement shall be allowed in circumstances in which:*

*(a) The single custodial parent does not have a parent, legal guardian or other appropriate adult relative who is living or whose whereabouts are known;*

*(b) The single custodial parent does not have a parent, legal guardian, or other appropriate adult relative, who would otherwise meet applicable criteria to act as their legal guardian, who allows the single custodial parent to live in their home;*

*(c) The department determines that the single custodial parent or the minor child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the single custodial parent's own parent or legal guardian;*

*(d) The department determines that substantial evidence exists of an act or failure to act that presents an imminent or serious harm to the single custodial parent or the minor child if the single custodial parent and the minor child lived in the same residence with the individual's parent or legal guardian; or*

*(e) The department otherwise determines that it is in the best interest of the minor child to waive these requirements with respect to the single custodial parent or the minor child.*

*2. In circumstances in which the department determines that an individual does not have an appropriate living arrangement in accordance with subsection 1 of this section, the division shall assist the individual in obtaining a second chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. Thereafter, the division shall require the individual and any child who is in the care of the individual to reside in such home or other living arrangement as a condition of the individual's continued eligibility for benefits through the work first program.*

*Section 21. 1. Work activities for the work first program shall be those activities which are set forth in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, or those activities which are permitted under a federally approved waiver granted to the department of social services. The department shall promulgate such regulations as are necessary to implement and enforce work activities requirements, including waiver exemptions that are inconsistent with the requirements of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, or a federally approved waiver.*

*2. An individual who is a single parent head of household of one or more children of any age who is himself or herself not yet twenty years of age is deemed to be engaged in work for a month if the individual:*

*(1) Maintains satisfactory attendance, during the month, in a secondary school or a course of study leading to a certificate of general equivalence; or*

*(2) Participates in education directly related to employment.*

*3. The department shall establish a system of sanctions that shall be imposed regarding an individual's continued qualification for benefits through the work first program in circumstances in which the individual fails or refuses to cooperate in participating in work activities as set forth in this section. Such system of sanctions shall set forth the types of benefits for which a sanctioned individual will be disqualified and the period of time that such sanctioned individual will remain disqualified from receiving such benefits. The state shall reduce the amount of assistance otherwise payable to the family pro rata with respect to any period during a month in which the individual so refuses to engage in work requirements in accordance with The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, subject to good cause and other exceptions as the state might establish. Imposition of such sanctions shall be subject to good cause and such other exceptions as are established by the department. However, sanctions may not be imposed for benefits provided through Medicaid as set forth in section 208.151, RSMo. Notwithstanding the provisions of section 208.180, RSMo, the department may establish that an individual who has been sanctioned for any period of time for failure to cooperate with work activities requirements shall be able to receive benefits through the work first program only after he or she is in compliance with work activities requirements.*

*4. The department may exempt an individual from the work participation requirements of the work first program for good cause, including, but not limited to, the following conditions which may render an individual temporarily or permanently incapable of participating in work activities:*

*(1) Advanced age of the individual;*

*(2) Physical or mental incapacity of the individual;*

*(3) Being a person whose presence in the household on a substantially continuous basis is required because of the advanced age, physical or mental incapacity of another member of the household.*

*5. Individuals exempted by the department of social services from participating in a work activity may elect to participate in work activities. Such an election shall not preclude the individual from subsequently being exempted from participation in work activities by the department.*

*Section 22. 1. The department of social services through the families work program may establish the "Child Support Assurance Program". The child support assurance program shall provide benefits to children who meet specific eligibility requirements and shall be subject to appropriations. The child support assurance program shall be funded from the funds available in the Missouri families work program fund and Missouri general revenue maintenance of effort fund.*

*2. The department will aggressively collect child support and intensify its efforts consistently with the new child support requirements of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.*

*3. The state shall provide monthly child support assurance money payment benefits to needy children in all appropriate circumstances and it will also intensify its efforts to ensure that families obtain self-sufficiency.*

*4. In order to participate in the child support assurance program:*

*(1) The custodial parent shall be employed and have an earned, gross income that does not exceed one hundred percent of the federal poverty limit by household size;*

*(2) The department ascertains that the noncustodial parent has a legal order to pay child support;*

*5. The department shall design the necessary administrative procedures for the timely review of custodial parent earnings;*

*6. When a custodial parent is receiving a cash grant from the department to support the family, and the custodial parent begins and receives earnings from an employer, if the household has a legal order to establish child support, child support assurance shall be initiated for the children. When the household's earning exceeds the standard of need for cash assistance, they will transition to the below poverty level child support assurance.*

*7. If the funds at the disposal or which may be obtained by the department of social services for the payment of child support assurance program benefits shall at any time become insufficient to pay the full amount thereof, the amount of any payment to or on behalf of each of such persons shall be reduced pro rata in proportion to such deficiency in the total amount available or to become available for such purpose.*

*Section 23. 1. Except as otherwise provided in this section, an adult receiving benefits through the work first program may fill a vacant employment position in order to engage in work activities. An adult receiving benefits through the work first program, who fills a vacant employment position in order to engage in work activities must be guaranteed a wage equivalent to that of the state minimum wage.*

*2. A supplemental wage assistance employment position made available pursuant to this section may not be created as the result of the following:*

*(1) When any other individual is on layoff from the same or any substantially equivalent job; or*

*(2) If the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult described in section 1 of this section.*

*3. The Missouri state department of labor and industrial relations shall establish and maintain a grievance procedure in order to resolve only alleged violations of this section. All rulemaking authority granted pursuant to this section is subject to any rulemaking authority contained in chapter 536, RSMo.*

*4. Nothing in this section shall preempt or supersede any provision of state law that provides greater protection for employees from job displacement.*

*Section 24. 1. There is hereby established in each office of the department of social services which takes applications for work first assistance or joint office when co-located with another agency, a direct placement program. The department shall identify which case worker or case managers will participate in the program. The case workers and cases managers together with the office director or designee, shall identify employers or job vacancies which recipients may be referred to for interviews and possible employment.*

*2. Each self sufficiency pact shall identify a time when the recipient will be referred to the direct placement program. Any recipient referred to the direct placement program who refuses to go or does not attend an*

*interview established by a case worker or manager, or who refuses to accept a job offered by an employer, without good cause, shall be sanctioned according to the provisions of subsection 3 of section 21.*

*Section 25. 1. The department shall establish "individual development accounts" whereby individuals receiving work first benefits may accumulate assets for specific purposes as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended. Any assets accumulated in an individual development account shall not be counted in determining eligibility or benefits for the purpose of work first program or any other cash assistance program operated pursuant to this section.*

*2. These accounts shall be used for the purpose of enabling individuals to accumulate funds for the following purposes:*

*(1) Post-secondary educational expenses;*

*(2) First home purchase; or*

*(3) Business capitalization.*

*3. The department of social services is authorized to propose rules and regulations necessary to implement this section only as provided pursuant to chapter 536, RSMo and section 660.017, RSMo.*

*Section 26. 1. The department in conjunction with community colleges and vocational schools shall develop pilot programs utilizing a coordinated approach to enable people receiving public assistance to obtain an education that leads to permanent full-time employment with benefits while ensuring that they meet the work participation requirements under The 1996 Personal Responsibility and Work Opportunity Reconciliation Act.*

*2. At least one pilot program shall be established with a community college and at least one with a vocational school. The pilot programs shall include activities in which will count towards the work participation rate such as:*

*(1) Work/study employment;*

*(2) Cooperative work experience where students earn units of college credit for their work;*

*(3) Internships where students obtain practical work experience in the occupational field in which they are training;*

*(4) Community service programs where students perform community service work in their field of study while earning a stipend for future continued education; and*

*(5) Work opportunity agreements where students who participate in a work opportunity program with private business are guaranteed employment in the field of their training at the successful completion of their education.*

*3. Community college and vocational school staff will coordinate services for students.*

*4. Subsidized child care will be provided while welfare recipients are attending college, vocational school and participating in work activities.*

*5. The department shall contract for independent evaluation of the pilot programs and report to the legislature annually.*

*Section 27. The department of social services shall establish the parent's fair share program to work with the noncustodial parent to take responsibility for the financial and emotional support of the children of such parent. Participation in the parents fair share program shall qualify as an alternative work activity for the noncustodial pursuant to section 454.490, RSMo.*

*Section 28. 1. In any action challenging any rule promulgated pursuant to the provisions of this act, the agency as defined in section 536.010, RSMo, promulgating such rule shall be required to prove by a preponderance of the evidence that the rule or threatened application of the rule is valid, is authorized by law, is not in conflict with any law and is not arbitrary and capricious.*

*2. The court shall award reasonable fees and expenses as defined in section 536.085, RSMo, to any party who prevails in such action.*

*3. All rules promulgated pursuant to the provisions of this section shall expire on August twenty-eighth of the year after the year in which the rule became effective unless the general assembly extends by statute the rule or set of rules beyond that date to a date specified by the general assembly.*

*4. Any rulemaking authority granted pursuant to the provisions of this act is subject to any rulemaking authority*

*contained in chapter 536, RSMo, including any subsequent amendments to chapter 536, RSMo.*

*5. The provisions of this section shall terminate if legislation amending the provisions of section 536.024, RSMo, has been signed into law prior to the effective date of this act."; and*

*Further amend said bill, Page 1, In the Title, Line 20, by striking the words "federal mandates for child support enforcement" and inserting in lieu thereof the words "providing certain services to families"; and*

*Further amend the title and enacting clause accordingly.*

*CCR #1 SS HCS HB 411, as amended, relating to child support enforcement, was taken up by Representative Dougherty.*

*Representative Dougherty moved that Rule 60 (b) be suspended and CCR #1 HCS HB 411, as amended, be adopted.*

*Representative Scott requested a division of the question.*

*PART I*

*Suspension of Rule 60 (b).*

*PART II*

*Adoption of CCR #1 SS HCS HB 411, as amended.*

*The motion to suspend Rule 60 (b) and to adopt CCR #1 SS HCS HB 411, as amended, was withdrawn.*

*THIRD READING OF SENATE BILL*

*SB 216, with House Committee Amendment No. 1, relating to state fair admission fees, was taken up by Representative Boatright.*

*Representative Boatright moved that House Committee Amendment No. 1 be adopted.*

*Which motion was defeated.*

*On motion of Representative Boatright, SB 216 was truly agreed to and finally passed by the following vote:*

*AYES: 097*

*Alter Auer Backer Ballard Barry 100*

*Bartelsmeyer Berkstresser Boatright Bonner Burton*

*Champion Clayton Cooper Copeland Crawford*

*Crump Daniel 42 Daniels 41 Davis 122 DeMarce*

*Donovan Elliott Enz Farmer Farnen*

*Fitzwater Foley Foster Fritts Froelker*

*Gibbons Goward Graham 24 Graham 106 Gratz*

*Griesheimer Gross Hartzler 123 Hartzler 124 Hendrickson*

*Hohulin Holand Hollingsworth Hosmer Kasten*

*Kauffman Kelley 47 Kelly 27 Kennedy Lawson*

*Leake Legan Linton Long Loudon*

*Lumpe Marble May 108 McBride Murphy*

*Murray Naeger Nordwald O'Connor O'Toole*

*Overschmidt Pouche Purgason Ransdall Relford*

*Reynolds Richardson Rizzo Robirds Ross*

*Sallee Schwab Secrest Seigfreid Sheldon 104*

*Shelton 57 Shields Smith Steen Stokan*

*Stroker Summers Surface Tate Thomason 163*

*Townley Troupe Vogel Wannenmacher Williams 159*

*Wooten Mr. Speaker*

*NOES: 017*

*Akin Bland Boucher Bray 84 Days*

*Evans Gaskill Gunn Hagan-Harrell Hickey*

*Hoppe McClelland Scheve Schilling Thompson 37*

*Van Zandt Williams 121*

*PRESENT: 040*

*Bauer Bennett 15 Broach Campbell Carter*

*Chrismer Cierpiot Davis 63 Dolan Edwards-Pavia*

*Franklin Gaston Green Hall Heckemeyer*

*Hegeman Howerton Johnson Kissell Koller*

*Kreider Lakin Levin Liese Lograsso*

*Luetkenhaus McLuckie Merideth Miller Monaco*

*Ostmann Parker Patek Pryor Reinhart*

*Ridgeway Shear Treadway Wiggins Wilson*

*ABSENT WITH LEAVE: 009*

*Barnett 4 Dougherty Ford Hand Harlan*

*Mays 50 Scott Skaggs Stoll*

*Speaker Gaw declared the bill passed.*

*On motion of Representative Liese, title to the bill was agreed to.*

*Representative Farmer moved that the vote by which the bill passed be reconsidered.*

*Representative Kennedy moved that motion lay on the table.*

*The latter motion prevailed.*

*MESSAGES FROM THE SENATE*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted SS HCS HBs 641 & 593, as amended, and has taken up and passed CCS SS HCS HBs 641 & 593.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HS HCS SS SCS SBs 386 & 372 and has taken up and passed HS HCS SS SCS SB 386 and 372.*

*Emergency Clause Adopted.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted HCS SS SB 361, as amended, and has taken up and passed HCS SS SB 361, as amended.*

*Emergency Clause Adopted.*

*Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted House Committee Amendment No. 1 and House Amendment No. 1 to SCR 25 and has taken up and passed SCR 25, as amended.*

*CONFERENCE COMMITTEE REPORT*

*ON*

*HOUSE SUBSTITUTE*

*FOR*

*SENATE COMMITTEE SUBSTITUTE*

*FOR*

*SENATE BILL NOS. 49, 213, 130, 32, 235 & 221*

*Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate on House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 6, House Amendment No. 8, House Amendment No. 9, House Amendment No. 12, House Amendment No. 13, House Amendment No. 15 and House Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:*

*1. That the House recede from its position on House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221, as amended;*

*2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221;*

*3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill Nos. 49, 213, 130, 32, 235 & 221 be adopted.*

*FOR THE HOUSE: FOR THE SENATE:*

*/s/ Wayne Crump /s/ Ronnie DePasco*

*/s/ Sam Leake /s/ Peter Kinder*

*/s/ Don Koller /s/ Bill McKenna*

*/s/ Gary Marble /s/ Danny Staples*

*/s/ Don Lograsso*

***ADJOURNMENT***

***On motion of Representative Backer, the House adjourned until 10:00 a.m. Thursday, May 22, 1997.***

***CORRECTIONS TO THE HOUSE JOURNAL***

***Correct House Journal, Seventy-Third Day, Thursday, May 15, 1997, page 2309, Line 30, by deleting the name "Tim Bauer" and inserting in lieu thereof the name "Tom Bauer".***

***Pages 2171 and 2172, roll call, by showing Representative Boatright voting "aye" rather than "absent with leave".***

***Pages 2172 and 2173, roll call, by showing Representative Franklin voting "aye" rather than "absent with leave".***

***Page 2174, roll call, by showing Representatives Dolan and Edwards-Pavia voting "aye" rather than "absent with leave".***

***Pages 2175 and 2176, roll call, by showing Representative Edwards-Pavia voting "aye" rather than "absent with leave".***

***Pages 2176 and 2177, roll call, by showing Representative Surface voting "aye" rather than "absent with leave".***

***Pages 2177 and 2178, roll call, by showing Representative Foley voting "aye" rather than "absent with leave".***

***Pages 2178 and 2179, roll call, by showing Representatives Bartelsmeyer, Foley and Reinhart voting "aye" rather than "absent with leave".***

***Page 2179, roll call, by showing Representative Foley voting "aye" rather than "absent with leave".***

***Page 2180, roll call, by showing Representatives Foley, Hagan-Harrell and Surface voting "aye" rather than "absent with leave".***

***Page 2181, roll call, by showing Representatives Dolan and Foley voting "aye" rather than "absent with leave".***

***Pages 2181 and 2182, roll call, by showing Representative Levin voting "aye" rather than "absent with leave".***

***Pages 2181 and 2182, roll call, by showing Representative Hohulin voting "no" rather than "absent with leave".***

***Page 2183, roll call, by showing Representative Bonner voting "aye" rather than "absent with leave".***

***Pages 2185 and 2186, roll call, by showing Representatives Cooper and Purgason voting "aye" rather than "absent with leave".***

***Pages 2186 and 2187, roll call, by showing Representatives Cooper, Edwards-Pavia and Foley voting "aye" rather than "absent with leave".***

***Pages 2187 and 2188, roll call, by showing Representatives Cooper, Foley and Griesheimer voting "aye" rather than "absent with leave".***

***Page 2191, roll call, by showing Representatives Foley, Hickey, Hohulin, Levin and Ridgeway voting "present" rather than "absent with leave".***

***Pages 2192 and 2193, roll call, by showing Representatives Hagan-Harrell, Harlan, Kelly (27), Levin, Long and Ridgeway voting "aye" rather than "absent with leave".***

***Page 2193, roll call, by showing Representatives Days, Hohulin and Levin voting "aye" rather than "absent with leave".***

***Page 2198, roll call, by showing Representatives Naeger, O'Toole, Reynolds and Williams (159) voting "aye" rather than "absent with leave".***

***Page 2201, roll call, by showing Representatives Days and Richardson voting "aye" rather than "absent with leave".***

***Page 2202, roll call, by showing Representatives Kelley (47) and Nordwald voting "no" rather than "absent with leave".***

***Page 2206, roll call, by showing Representative Foley voting "aye" rather than "absent with leave".***

***Pages 2208 and 2209, roll call, by showing Representatives Foley and Kissell voting "aye" rather than "absent with leave".***

***Pages 2208 and 2209, roll call, by showing Representative Crawford voting "no" rather than "absent with leave".***

***Pages 2209 and 2210, roll call, by showing Representatives Crawford and Purgason voting "no" rather than "absent with leave".***

***Pages 2211 and 2212, roll call, by showing Representatives Boatright and Luetkenhaus voting "aye" rather than "absent with leave".***

***Page 2212, roll call, by showing Representatives Luetkenhaus and Reinhart voting "aye" rather than "absent with leave".***

***Page 2213, roll call, by showing Representatives Berkstresser, Days, Hagan-Harrell, Loudon, Luetkenhaus and Richardson voting "aye" rather than "absent with leave".***

***Page 2214, roll call, by showing Representatives Gross and Richardson voting "aye" rather than "absent with leave".***

***Pages 2223 and 2224, roll call, by showing Representatives Days and Kelley (47) voting "no" rather than "absent with leave".***

***Pages 2226 and 2227, roll call, by showing Representative Naeger voting "no" rather than "absent with leave".***

***Page 2302, roll call, by showing Representative Bonner voting "aye" rather than "absent with leave".***

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# House Journal

## First Regular Session, 89th General Assembly

SEVENTY-FIFTH DAY, Thursday, May 22, 1997

Speaker Gaw in the Chair.

There was a moment of silent prayer.

**COMMITTEE REPORTS**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SS SCS HS HCS HB 335**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 11, HB 51, SCS HCS HB 141, CCS #3 SCS HCS HB 276, HB 342, HS HB 389, CCS SCS HB 394, HS HCS HB 472, CCS SS SCS HB 491, SS HCS HB 509, SCS HCS HB 557, SS HB 578, HCS HB 635, HB 831** and **SS SCS HS HB 850**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 104, SCS HS HCS HB 361, HCS HB 528, HB 630** and **HB 883**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**SIGNING OF HOUSE JOINT RESOLUTION**

All other business of the House was suspended while **HJR 11** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HJR 11** was delivered to the Secretary of the State by the Chief Clerk of the House.

**SIGNING OF HOUSE BILLS**

All other business of the House was suspended while **CCS HB 2, CCS HB 3, CCS HB 4, CCS HB 5, CCS HB 6, CCS HB 7, CCS HB 8, CCS HB 9, CCS HB 11, SCS HB 13, HB 15, HB 16, HB 17, SCS HCS HB 18, HB 19, HB 31, HB 41, HB 51, HB 59, SCS HB 63, HB 88, HB 95, HB 99, HB 104, HB 105, HB 107, HB 124, HB 125, HB 129, SCS HCS HB 141, HB 159, HB 169, HB 213, SCS HCS HB 214, HB 229, HB 249, HB 250, SCS HB 257, HB 265, CCS#3 SCS HCS HB 276, HB 300, HB 301, HB 304, HB 309, HB 318, HB 319, HB 327, SCS HCS HB 331, SS SCS HS HCS HB 335, HB 339, HB 340, HB 342, SS SCS HB 343, SCS HS HCS HB 361, HB 381, SCS HB 386, HS HB 389, CCS SCS HB 394, HB 402, HCS HBs 424 and 534, HB 438, HCS HB 459, HB 470, HS HCS HB 472, CS SS SCS HB 491, SS HCS HB 509, HB 516, HB 520, HB 521, HB 523, HB 526, HCS HB 528, HB 540, SCS HCS HB 557, HB 566, SS HB 578, HB 590, HB 592, HB 604, HB 609, HB 612, HCS HB 620, HB 622, HB 626, HB 628, HB 630, HB 633, HCS HB 635, HB 642, HB 643, HB 651, HB 652, CCS SCS HB 655, HB 659, HB 663, HB 689, HCS HB 697, SCS HB 700, SCS HB 709, HB 710, SS HB 711, HB 712, HB 722, HB 727, HB 749, HB 756, HB 761, HB 762, HB 769, HB 773, HB 783, SCS HB 793, HB 797, SCS HB 802, HB 813, SCS HB 816, HB 817, SCS HB 820, HB 823, HB 831, SS SCS HS HB 850, and HB 883** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **CCS HB 2, CCS HB 3, CCS HB 4, CCS HB 5, CCS HB 6, CCS HB 7, CCS HB 8, CCS HB 9, CCS HB 11, SCS HB 13, HB 15, HB 16, HB 17, SCS HCS HB 18, HB 19, HB 31, HB 41, HB 51, HB 59, SCS HB 63, HB 88, HB 95, HB 99, HB 104, HB 105, HB 107, HB 124, HB 125, HB 129, SCS HCS HB 141, HB 159, HB 169, HB 213, SCS HCS HB 214, HB 229, HB 249, HB 250, SCS HB 257, HB 265, CCS#3 SCS HCS HB 276, HB 300, HB 301, HB 304, HB 309, HB 318, HB 319, HB 327, SCS HCS HB 331, SS SCS HS HCS HB 335, HB 339, HB 340, HB 342, SS SCS HB 343, SCS HS HCS HB 361, HB 381, SCS HB 386, HS HB 389, CCS SCS HB 394, HB 402, HCS HBs 424 and 534, HB 438, HCS HB 459, HB 470, HS HCS HB 472, CCS SS SCS HB 491, SS HCS HB 509, HB 516, HB 520, HB 521, HB 523, HB 526, HCS HB 528, HB 540, SCS HCS HB 557, HB 566, SS HB 578, HB 590, HB 592, HB 604, HB 609, HB 612, HCS HB 620, HB 622, HB 626, HB 628, HB 630, HB 633, HCS HB 635, HB 642, HB 643, HB 651, HB 652, CCS SCS HB 655, HB 659, HB 663, HB 689, HCS HB 697, SCS HB 700, SCS HB 709, HB 710, SS HB 711, HB 712, HB 722, HB 727, HB 749, HB 756, HB 761, HB 762, HB 769, HB 773, HB 783, SCS HB 793, HB 797, SCS HB 802, HB 813, SCS HB 816, HB 817, SCS HB 820, HB 823, HB 831, SS SCS HS HB 850, and HB 883** were delivered to the Governor by the Chief Clerk of the House.

**SIGNING OF SENATE BILLS**

All other business of the House was suspended while **SB 6, HS HCS SB 19, SB 24, SB 29, HCS SB 34, CCS HCS SSCS SB 56, HCS SB 58, HCS SB 59, SB 67, SB 69, CCS HS HCS SCS SB 89, HS SS SB 97, HCS SCS SB 104, SB 112, CCS HS HCS SS SB 121, SB 122, SB 128, SB 131, HCS SB 132, SB 133, CCS HS HCS SB 142, SB 146, HCS SB 148, SB 150, SB 152, SB 155, HCS SB 164, SB 171, SB 175, SB 176, SB 179, HCS SCS SB 194, SB 197, SB 212, SB 215, SB 216, CCS HS HCS SB 218, SCS SB 220, SB 240, CCS HCS SB 241, SB 242, SB 243, SB 246, SB 255, SB 261, HCS SCS SB 263, SB 264, HCS SCS SB 265, SS SB 275, SB 299, HCS SB 303, HCS SB 309, CCS SB 315, CCS HCS SCS SB 316, SB 318, HCS SB 320, SB 333, SB 340, SB 342, SB 346, CCS HCS SB 347, SB 353, SB 358, HS SS SB 367, HCS SB 368, SB 371, SCS SB 373, HCS SB 375, CCS HCS SB 387, HCS SB 389, SB 395, SB 398, SCS SB 402, HCS SCS SB 408, SB 410, SB 416, SB 424, SB 437, SB 449 and HS SB 459** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 9:00 a.m., Thursday, May 29, 1997.

**CORRECTIONS**

Correct House Journal, Seventy-fourth Day, Friday, May 16, 1997, page 2320, lines 24 through 26, by deleting all of said lines and inserting in lieu thereof the following:

"House Resolution Nos. 1180 through 1462 were taken up by Representative Backer.

On motion of Representative Backer, House Resolutions Nos. 1180 through 1462 were adopted."

Pages 2325 and 2326, roll call, by showing Representative Graham voting "aye" rather than "absent with leave".

Pages 2327 and 2328, roll call, by showing Representative Johnson voting "aye" rather than "absent with leave".

Pages 2333 and 2334, roll call, by showing Representative Bennett voting "aye" rather than "absent with leave".

Pages 2356 and 2357, roll call, by showing Representative Champion voting "no" rather than "absent with leave".

Pages 2362 and 2363, roll call, by showing Representative Bennett voting "aye" rather than "absent with leave".

Pages 2363 and 2364, roll call, by showing Representative Johnson voting "aye" rather than "absent with leave".

Pages 2367 and 2368, roll call, by showing Representative Johnson voting "aye" rather than "absent with leave".

Page 2370, roll call, by showing Representative Champion voting "aye" rather than "absent with leave".

Page 2439, roll call, by showing Representative Johnson voting "aye" rather than "present".

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# House Journal

## 89th General Assembly of the State of Missouri

## First Extraordinary Session

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First Day, Friday, May 16, 1997

Speaker Gaw in the Chair.

Prayer by Representative Pat Kelley.

Gracious Loving God,

When the time is so dark that we cannot see and we don't know what to do, we come to You and ask for Your presence. We ask for Your love and care. We especially ask for Your love and care for Steve Stoll and his family in the hours and days ahead. We thank You for the life of his daughter, Emily, and for the gift of eternal life that comes through You.

And we ask You to help us remember how precious life is. We thank You for each and every life in this chamber and their families. We thank You for the gift of life, for life is Your gift to us. Help us make our lives be a precious gift to You by serving You.

In Your name we pray. Amen.

The Pledge of Allegiance to the flag was recited.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 002

Gunn Stroker

NOES: 001

Patek

PRESENT: 150

Akin Alter Auer Backer Ballard
Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15
Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniels 41 Davis 63
Davis 122 Days DeMarce Donovan Dougherty
Edwards-Pavia Elliott Enz Evans Farmer
Farnen Fitzwater Foley Ford Foster
Franklin Fritts Froelker Gaskill Gaston
Gibbons Goward Graham 24 Graham 106 Gratz
Green Griesheimer Gross Hagan-Harrell Hall
Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman
Hendrickson Hickey Hohulin Holand Hollingsworth
Hosmer Howerton Johnson Kasten Kelley 47
Kelly 27 Kennedy Kissell Koller Kreider
Lawson Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Lumpe Marble May 108 McBride McClelland
McLuckie Merideth Miller Monaco Murphy
Murray Naeger Nordwald O'Connor O'Toole
Ostmann Overschmidt Parker Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Scheve Schilling Schwab Scott
Secrest Seigfreid Shear Sheldon 104 Shelton 57
Shields Smith Steen Stokan Summers
Surface Tate Thomason 163 Townley Treadway
Troupe Van Zandt Vogel Wannenmacher Wiggins
Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 010

Daniel 42 Dolan Hand Hoppe Kauffman

**MESSAGE FROM THE GOVERNOR**

The following Proclamation was received from His Excellency, Governor Mel Carnahan:

PROCLAMATION

WHEREAS, Article III, Section 25 of the Constitution of the State of Missouri prohibits the General Assembly during its Regular Session from taking up for consideration any appropriation bill after 6:00 p.m., on the first Friday following the first Monday in May of each year; and

WHEREAS, May 9, 1997, was the first Friday following the first Monday in May of this year during the First Regular Session of this 89th General Assembly; and

WHEREAS, the General Assembly failed to complete the appropriations process for the 1998 fiscal year by 6:00 p.m., on May 9, 1997; and

WHEREAS, the 1998 fiscal year begins on July 1, 1997; and

WHEREAS, appropriations are still necessary for the budgets of the departments of Health and Mental Health, the Judiciary, all statewide elected officials, the General Assembly and the other governmental entities as specifically designated and limited below in paragraphs numbered as 1 and 2; and

WHEREAS, the failure to appropriate funds for the continued operations of the departments of Health and Mental Health, the Judiciary, all statewide elected officials, the General Assembly and the other governmental entities as specifically designated and limited below in paragraphs numbered as 1 and 2 would cause a serious disruption in the delivery of state governmental services to Missouri citizens, as the state would have no funds to operate after June 30, 1997; and

WHEREAS, such a disruption in the delivery of state governmental services would constitute a serious threat to the health, safety and welfare of the citizens of Missouri; and

WHEREAS, such a disruption in the delivery of state governmental services would impede the Governor from carrying out his duties pursuant to Article IV, Section 2, of the Constitution of Missouri to "take care that the laws are distributed and faithfully executed;" and

WHEREAS, Article IV, Section 9, authorizes the Governor to "On extraordinary occasions . . . convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, such failure to appropriate funds as required by the Constitution of the State of Missouri is an extraordinary occasion as envisioned by Article IV, Section 9, of the Constitution of the State of Missouri.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Eighty-Ninth General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson **at the hour of 6:30 p.m., Central Daylight Time, May 16, 1997**; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specially designated and limited hereinafter as follows:

**1. To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998; and**

**2. To appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Office of Administration, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the period beginning July 1, 1997, and ending June 30, 1998.**

**3. To allow the Senate to consider appointments to boards, commissions, departments and divisions that require the advice and consent of the Senate.**

**4. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.**

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 16th day of May, 1997.

/s/ Mel Carnahan

GOVERNOR

ATTEST:

/s/ Rebecca McDowell Cook

SECRETARY OF STATE

## RESOLUTIONS

**Representative Backer offered House Resolution No. 1.**

### HOUSE RESOLUTION NO. 1

**BE IT RESOLVED, that the Chief Clerk of the House of Representatives inform the Governor that the House is duly convened and is now in session ready for consideration of business and to receive any message or communications that His Excellency may desire to submit, and that the Chief Clerk of the House be directed to inform the Senate of the adoption of this resolution.**

**On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 1 was adopted.**

**Representative Backer offered House Resolution No. 2.**

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives that all members of the House of Representatives shall be reimbursed for their actual and necessary expenses incurred while attending duly called meetings of any standing committee of the House or Senate in the state or meetings of the Senate during the First Extraordinary Session of the Eighty-ninth General Assembly on the days that the House does not meet; and

BE IT FURTHER RESOLVED, that the expenses payable under this resolution shall not be paid to any member who qualifies for any other type of reimbursement and shall not exceed the legislative per diem allowed; and

BE IT FURTHER RESOLVED, that, upon approval of the Speaker of the House, the expenses of the House members be paid from the House or Joint contingent fund of the House.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 2 was adopted.

Representative Backer offered House Resolution No. 3.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk and the Accounts Committee of the House be authorized to employ for the First Extraordinary Session of the Eighty-ninth General Assembly: a Sergeant-at-Arms, a Reading Clerk, Five Doorkeepers, a Page, Three Journal Clerks, and other persons deemed necessary.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 3 was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted Senate Resolution No. 1.

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, First Regular Session, that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read first time and 1,000 copies ordered printed.

HB 20, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee.

HB 22, introduced by Representative Lumpe, to appropriate money for the expenses, grants, refunds, real property leases, related services, utilities, systems furniture and structural modifications for new FTE, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the Office of Administration, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri

**Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees.**

**APPOINTMENT OF COMMITTEE**

**The following Members have been appointed to the Special Session Budget Committee:**

**Sheila Lumpe, Chair**

**Deleta Williams, Vice Chair**

**Gary Burton**

**Rich Chrismer**

**Laurie Donovan**

**Louis Ford**

**Jim Graham**

**Tim Harlan**

**Mary Kasten**

**Pat Kelley**

**Sam Leake**

**William Linton**

**Henry Rizzo**

**Mike Schilling**

**O.L. Shelton**

**Phil Tate**

**Carl Vogel**

**Chuck Wooten**

**Russell Gunn**

**Joan Bray**

**Paul Carter**

**Bonnie Sue Cooper**

**Nancy Farmer**

**Richard Franklin**

**Tim Green**

**Dan Hegeman**

**Sandra Kauffman**

**Scott Lakin**

**Kenneth Legan**

**Emmy McClelland**

**May Scheve**

**Sue Shear**

Charlie Shields

Vernon Thompson

Phil Wannenmacher

## ADJOURNMENT

On motion of Representative Backer, the House adjourned until 10:00 a.m., Saturday, May 17, 1997.

## HOUSE CALENDAR

### SECOND DAY, SATURDAY, MAY 17, 1997

### HOUSE BILLS FOR SECOND READING

HB 20

HB 22

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# House Journal

## First Extraordinary Session, 89th General Assembly

## Second Day, Saturday, May 17, 1997

Speaker Gaw in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

### SECOND READING OF HOUSE BILLS

**HB 20** and **HB 22** were read the second time.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 20** - Budget

**HB 22** - Budget

### ADJOURNMENT

On motion of Speaker Gaw, the House adjourned until 12:00 noon, Tuesday, May 20, 1997.

### COMMITTEE MEETINGS

BUDGET

Monday, May 19, 1997, Hearing Room 9, 12:00 noon

To be considered: HB 20 - Dept. of Health and Mental Health

HB 22 - Elected Officials, Judiciary, Public Defender, General Assembly

Possible Executive Session

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# House Journal

## First Extraordinary Session, 89th General Assembly

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## THIRD DAY, TUESDAY, MAY 20 , 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"As we have opportunity, let us do good to all." (Gal. 6:10).

We begin the prayer which opens this special session as we begin each regular session with a reminder of the basics. All power comes from you, our God, and is vested in the people who elect us to represent them. We are stewards of your gifts as we exercise goverance. Constitutional principles which are not always easily interpreted, moral convictions which are not universally accepted, competing ideologies, including differing views of how much or how little government is involved in the social contract, are part of this mix. Then there is party loyalty, the influence of PAC money, personal antagonisms, our own and others' ambitions, the intervention of constituents and various groups who organize them to lobby, news reporting and editorials. Gracious God, we name these different forces that act upon us. May we include prayer, combined with seeking wise counsel and study of the prayer, combined with seeking wise counsel and study of the issues, in trying to deal with the highly charged emotional issues that are the subject of this special session.

Our hearts go out today in a special way to Representative Steve Stoll and the family on the tragic death of Emily in an accident over the weekend. May peace be hers and with them. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Stephanie Kilby.

The Journal of the first day was approved as corrected, and the Journal of the second day was approved as printed by the following vote:

AYES: 152

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher
Bray 84 Broach Burton Campbell Carter
Champion Chrismer Cierpiot Clayton Cooper
Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Edwards-Pavia Elliott Enz Evans
Farmer Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Graham 24 Graham 106 Gratz
Green Griesheimer Gross Gunn Hagan-Harrell
Hall Harlan Hartzler 123 Hartzler 124 Hegeman
Hendrickson Hickey Hohulin Hollingsworth Hoppe
Hosmer Howerton Johnson Kasten Kauffman
Kelley 47 Kelly 27 Kennedy Kissell Koller
Kreider Lakin Lawson Leake Legan
Levin Liese Linton Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McBride McClelland McLuckie Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Overschmidt Parker
Pouche Pryor Purgason Ransdall Reinhart
Relford Reynolds Richardson Ridgeway Rizzo
Robirds Ross Sallee Scheve Schilling
Schwab Scott Secrest Seigfreid Shear
Sheldon 104 Shelton 57 Shields Smith Steen
Stokan Stroker Summers Surface Tate
Thomason 163 Thompson 37 Townley Treadway Troupe
Vogel Wannenmacher Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 001

Patek

PRESENT: 000

ABSENT WITH LEAVE: 010

Dougherty Goward Hand Heckemeyer Holand
Ostmann Skaggs Stoll Van Zandt Wiggins

**COMMITTEE REPORTS**

**Committee on Budget**, Chairman Lumpe reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 20**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Mr. Speaker: Your Committee on Budget, to which was referred **HB 22**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment**

**No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 22, Section 22.405, Page 17, Line 14, by indenting the words "House Appropriation Committee Staff" on said line to align with the words "House Staff" on Line 12 and with "House Research Staff" on Line 10.

**HOUSE CALENDAR**

(Supplemental)

May 20, 1997

**HOUSE BILLS FOR PERFECTION- APPROPRIATIONS**

HB 20 - Carter

HB 22, HCA 1 - Green

**PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HB 20**, relating to appropriations, was taken up by Representative Carter.

Representative Carter offered House Amendment No. 1.

House Amendment No. 1 was withdrawn.

Representative Burton offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Bill No. 20, Page 32, Section 20.685, Lines 1-15, and Section 20.690, Lines 1-10, by deleting all of said lines and inserting in lieu thereof the following:

Section 20.685 To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds may be expended for the purpose of performing, assisting or encouraging or directly referring for abortion and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of these funds may be paid or granted to organizations or affiliates of organizations which provide or promote abortions.

2. If any provision of subsection 1 of this section is in the future held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 and subsection 5 shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing and follow-up services provided directly by the department of health or provided directly by government agencies including agencies of the United States, this state and any political subdivision of this state or directly by public health entities through contractual agreement with the department, provided that none of these funds may be expended for the purpose of encouraging or directly referring for abortion. For the purposes of this subsection 3, public health entities shall include federally qualified health centers organized pursuant to 42 USC, section 139d(1), rural health centers organized pursuant to 42 USC, section 1395x(aa)(2), community mental health centers organized pursuant to sections 205.975 to 205.990, RSMo., community action agencies organized pursuant to sections 660.370-660.374, RSMo., and migrant health centers organized pursuant to 42 USC, section 254b.

4. If any provision of both subsection 1 and also of subsection 3 of this section is in the future held invalid, then this appropriation shall be in accordance with subsection 5, otherwise subsection 3 and subsection 5 shall have not effect.

5. For the purpose of funding family planning services, pregnancy testing and follow-up services provided directly by the department of health or provided directly by government agencies including agencies of the United States, this state and any political subdivision of this state through contractual agreement with the department or provided at the site of a city or county health department by an agency under contract with the city or county health department, provided that none of these funds may be expended for the purpose of encouraging or directly referring for abortion.

From General Revenue Fund $5,018,639

From Federal Funds $1,464,819

Total $6,483,458

Section 20.690 To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding alternatives to abortion services as follows:

prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women only during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of these funds may be expended for the purpose of performing, assisting or encouraging abortion and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of these funds may be granted to organizations or affiliates of organizations which provide or promote abortions.

2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 shall have not effect.

3. For the purpose of funding alternatives to abortion services provided directly by the department of health or provided directly by government agencies through contractual agreement with the department, as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women only during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 10.685, provided that none of these funds may be expended for the purpose of encouraging abortion.

From General Revenue Fund $900,000

Representative Lumpe offered House Amendment No. 1 to House Amendment No. 1.

House Amendment No. 1 to House Amendment No. 1 was withdrawn.

Representative Backer offered House Amendment No. 1 to House Amendment No. 1.

*House Amendment No. 1*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 20, Page 2, Section 20.690, Subsection 1, Line 11, by inserting before the period the following:

"or directly or indirectly to religious organizations, or to any organization with board or other decision-making members who represent religious affiliated organizations" and

Further amend said bill, Page 2, Section 20.690, Subsection 3, Line 9, by inserting before the period the following:

"or directly or indirectly to religious organizations, or to any organization with board or other decision-making members who represent religious affiliated organizations"

Representative Backer moved that House Amendment No. 1 to House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 033

Backer Bland Bray 84 Campbell Carter

Davis 122 Days Farmer Fitzwater Ford

Franklin Fritts Graham 24 Gunn Hagan-Harrell

Harlan Kelly 27 Kreider Lumpe Mays 50

McLuckie Monaco Relford Scheve Schilling

Shear Shelton 57 Smith Stokan Tate

Thomason 163 Williams 121 Wilson

NOES: 119

Akin Alter Auer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Foley Foster Froelker Gaskill Gaston

Gibbons Graham 106 Gratz Green Griesheimer

Gross Hall Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hickey Hohulin Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kennedy Kissell Koller Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Marble May 108 McClelland Merideth Miller

Murphy Murray Naeger Nordwald O'Connor

O'Toole Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Secrest Seigfreid

Sheldon 104 Shields Steen Stroker Summers

Surface Townley Treadway Troupe Vogel

Wannenmacher Williams 159 Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 011

Goward Hand Heckemeyer Holand McBride

Ostmann Skaggs Stoll Thompson 37 Van Zandt

Wiggins

Representative Lumpe offered House Amendment No. 2 to House Amendment No. 1.

*House Amendment No. 2*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 20, Page 1, Section 20.685, Line 3 of subsection 1, by deleting the words "referring for" and substituting in lieu thereof the words "facilitating an"; and

Further amend said amendment, Line 5 of Subsection 3, by deleting the words "referring for" and substituting the words "facilitating an"; and

Further amend said amendment, Subsection 5, by deleting the words "referring for" on line 7 and substituting in lieu thereof the words "facilitating an".

Representative Lumpe moved that House Amendment No. 2 to House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 058

Auer Backer Bauer Bland Bray 84

Campbell Carter Clayton Copeland Daniel 42

Davis 63 Davis 122 Days Dougherty Farmer
Farnen Fitzwater Ford Franklin Fritts
Graham 24 Gunn Hagan-Harrell Harlan Hollingsworth
Hosmer Kauffman Kelly 27 Koller Kreider
Lakin Lawson Lumpe May 108 Mays 50
McClelland McLuckie Monaco Parker Ransdall
Relford Sallee Scheve Schilling Seigfreid
Shear Shelton 57 Shields Smith Stokan
Stroker Tate Thomason 163 Thompson 37 Troupe
Williams 121 Wilson Mr. Speaker

NOES: 093

Akin Alter Ballard Barnett 4 Barry 100
Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner
Boucher Broach Burton Champion Chrismer
Cierpiot Cooper Crawford Crump DeMarce
Dolan Donovan Edwards-Pavia Elliott Enz
Evans Foley Foster Froelker Gaskill
Gaston Gibbons Graham 106 Gratz Green
Griesheimer Gross Hall Hartzler 123 Hartzler 124
Hegeman Hendrickson Hickey Hohulin Hoppe
Howerton Johnson Kasten Kelley 47 Kennedy
Kissell Leake Legan Levin Liese
Linton Lograsso Long Loudon Luetkenhaus
Marble Merideth Miller Murphy Murray
Naeger Nordwald O'Connor Overschmidt Patek
Pouche Pryor Purgason Reinhart Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Schwab Scott Secrest Sheldon 104 Steen
Summers Surface Townley Treadway Vogel
Wannenmacher Williams 159 Wooten

PRESENT: 000

ABSENT WITH LEAVE: 012

Daniels 41 Goward Hand Heckemeyer Holand
McBride O'Toole Ostmann Skaggs Stoll
Van Zandt Wiggins

Representative Carter offered House Amendment No. 3 to House Amendment No. 1.

*House Amendment No. 3*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 20, Section 20.685, by adding one new subsection to read as follows:

"6. All persons eligible for services under this section shall have family income which does not exceed 185% of the federal poverty guideline for the applicable family size." and

Further amend said amendment Section 20.690, by adding one new subsection to read as follows:

"4. All persons eligible for services under this section shall have family income which does not exceed 185% of the federal poverty guideline for the applicable family size."

On motion of Representative Carter, House Amendment No. 3 to House Amendment No. 1 was adopted.

Representative Monaco offered House Amendment No. 4 to House Amendment No. 1.

*House Amendment No. 4*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 20, Page 2, Section 1, Line 8 from the top of the page, by deleting the number "10.685" and inserting in lieu thereof the number "20.685".

Section 3, Line 8 of said section by deleting the number "10.685" and inserting in lieu thereof the number "20.685".

On motion of Representative Monaco, House Amendment No. 4 to House Amendment No. 1 was adopted.

Representative Tate offered House Amendment No. 5 to House Amendment No. 1.

*House Amendment No. 5*

*to*

*House Amendment No. 1*

AMEND House Amendment No. 1 to House Bill No. 20, Page 1, Section 20.685, by adding immediately after subsection 5 the following:

"6. As used in subsections 1, 3, and 5 of this section, the phrase "directly referring for abortion" shall not preclude the presentation of a list of options which may include abortion but shall not in any way encourage or advocate abortion."

Representative Tate moved that House Amendment No. 5 to House Amendment No. 1 be adopted.

Which motion was defeated by the following vote:

AYES: 058

Backer Bauer Bland Boucher Bray 84
Campbell Carter Clayton Copeland Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
Farmer Farnen Fitzwater Franklin Fritts
Graham 24 Green Gunn Hagan-Harrell Harlan
Hegeman Hollingsworth Hosmer Kauffman Kelly 27
Kreider Lakin Lawson Lumpe May 108
Mays 50 McBride McClelland McLuckie Parker
Ransdall Relford Scheve Schilling Seigfreid
Shear Shelton 57 Shields Smith Stokan
Stroker Tate Thomason 163 Troupe Williams 121
Williams 159 Wilson Mr. Speaker

NOES: 093

Akin Alter Auer Ballard Barnett 4
Barry 100 Bartelsmeyer Bennett 15 Berkstresser Boatright
Bonner Broach Champion Chrismer Cierpiot
Cooper Crawford DeMarce Dolan Donovan
Dougherty Edwards-Pavia Elliott Enz Evans
Foley Foster Froelker Gaskill Gaston
Gibbons Graham 106 Gratz Griesheimer Gross
Hall Hartzler 123 Hartzler 124 Hendrickson Hickey
Hohulin Hoppe Howerton Johnson Kasten
Kelley 47 Kennedy Kissell Koller Leake
Legan Levin Liese Linton Lograsso
Long Loudon Luetkenhaus Marble Merideth
Miller Monaco Murphy Murray Naeger
Nordwald O'Connor O'Toole Overschmidt Patek
Pouche Pryor Purgason Reinhart Reynolds
Richardson Ridgeway Rizzo Robirds Ross
Sallee Schwab Scott Secrest Sheldon 104
Steen Summers Surface Townley Treadway
Vogel Wannenmacher Wooten

PRESENT: 001

Burton

ABSENT WITH LEAVE: 011

Ford Goward Hand Heckemeyer Holand

Ostmann Skaggs Stoll Thompson 37 Van Zandt

Wiggins

Representative Boucher offered House Amendment No. 6 to House Amendment No. 1.

Representative Burton raised a point of order that House Amendment No. 6 to House Amendment No. 1 is not germane to House Amendment No. 1.

The Chair ruled the point of order well taken.

On motion of Representative Burton, House Amendment No. 1, as amended, was adopted by the following vote:

AYES: 106

Akin Alter Ballard Barnett 4 Barry 100

Bartelsmeyer Bennett 15 Berkstresser Boatright Bonner

Boucher Broach Burton Champion Chrismer

Cierpiot Cooper Copeland Crawford Crump

Daniels 41 DeMarce Dolan Donovan Edwards-Pavia

Elliott Enz Evans Foley Foster

Froelker Gaskill Gaston Gibbons Graham 106

Gratz Green Griesheimer Gross Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hohulin Hoppe Hosmer Howerton Johnson

Kasten Kelley 47 Kennedy Kissell Koller

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Marble McBride Merideth Miller Monaco

Murphy Murray Naeger Nordwald O'Connor

O'Toole Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Schwab Scott Secrest Seigfreid

Sheldon 104 Shields Steen Summers Surface

Townley Treadway Vogel Wannenmacher Williams 159

Wooten

NOES: 044

Auer Backer Bauer Bland Bray 84

Campbell Carter Clayton Daniel 42 Davis 63

Davis 122 Days Dougherty Farmer Farnen

Fitzwater Franklin Fritts Graham 24 Hagan-Harrell

Harlan Hollingsworth Kauffman Kelly 27 Kreider

Lakin Lumpe May 108 Mays 50 McClelland

McLuckie Relford Scheve Schilling Shear

Shelton 57 Smith Stokan Stroker Tate

Thomason 163 Williams 121 Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 013

Ford Goward Gunn Hand Heckemeyer

Holand Ostmann Skaggs Stoll Thompson 37

Troupe Van Zandt Wiggins

On motion of Representative Carter, **HB 20, as amended,** was ordered perfected and printed.

**HB 22, with House Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, House Committee Amendment No. 1 was adopted.

Representative Lumpe offered House Amendment No. 1.

*House Amendment No. 1*

Amend House Bill No. 22, Page 16, Section 22.330, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"From General Revenue Fund (Not to exceed 2 F.T.E.) $135,259"

and further amend said Bill, Page 16, Section 22.335 by deleting all of said line and inserting in lieu thereof the following:

"From General Revenue Fund $4,600"

On motion of Representative Lumpe, House Amendment No. 1 was adopted.

On motion of Representative Green, **HB 22, as amended,** was ordered perfected and printed.

On motion of Representative Backer, the House recessed until 4:45 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 20** and **HB 22**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**HOUSE CALENDAR**

**(Supplemental)**

**May 20, 1997**

**HOUSE BILLS FOR THIRD READING- APPROPRIATIONS**

**HB 20 - Carter**

**HB 22 - Green**

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HB 20, relating to appropriations, was taken up by Representative Carter.**

**On motion of Representative Carter, HB 20 was read the third time and passed by the following vote:**

**AYES: 124**

**Akin Alter Auer Backer Ballard**

**Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15**

**Berkstresser Bland Boatright Bonner Boucher**

**Broach Burton Carter Champion Cierpiot**

**Cooper Copeland Crawford Crump Davis 63**

**Davis 122 DeMarce Dolan Donovan Dougherty**

**Edwards-Pavia Elliott Enz Evans Farnen**

**Foley Foster Fritts Froelker Gaskill**

**Gaston Gibbons Graham 106 Gratz Green**

**Griesheimer Gross Hartzler 123 Hartzler 124 Heckemeyer**

**Hegeman Hendrickson Hickey Hohulin Hollingsworth**

**Hoppe Hosmer Howerton Johnson Kasten**

**Kelley 47 Kennedy Kissell Koller Kreider**

**Lakin Lawson Leake Legan Levin**

**Liese Linton Lograsso Long Loudon**

**Luetkenhaus Lumpe Marble May 108 McBride**

**Merideth Miller Monaco Murphy Murray**

**Naeger Nordwald O'Connor O'Toole Overschmidt**

**Parker Patek Pouche Pryor Purgason**

Ransdall Reinhart Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Schwab
Scott Secrest Seigfreid Sheldon 104 Shields
Smith Steen Stokan Stroker Summers
Surface Thomason 163 Townley Treadway Troupe
Vogel Wannenmacher Williams 159 Mr. Speaker

NOES: 023

Bray 84 Campbell Chrismer Clayton Farmer
Fitzwater Franklin Graham 24 Gunn Hagan-Harrell
Harlan Kauffman Kelly 27 Mays 50 McClelland
McLuckie Relford Schilling Shelton 57 Tate
Thompson 37 Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 016

Daniel 42 Daniels 41 Days Ford Goward
Hall Hand Holand Ostmann Scheve
Shear Skaggs Stoll Van Zandt Wiggins
Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Boucher moved that the vote by which the bill passed be reconsidered.

Representative Bonner moved that motion lay on the table.

The latter motion prevailed.

HB 22, relating to appropriations, was taken up by Representative Green.

On motion of Representative Green, HB 22 was read the third time and passed by the following vote:

AYES: 091

Backer Ballard Barnett 4 Bauer Bland
Boucher Bray 84 Broach Burton Campbell
Carter Cooper Copeland Crump Daniels 41
Davis 63 Davis 122 DeMarce Donovan Dougherty
Farmer Farnen Fitzwater Foley Franklin

Fritts Froelker Gibbons Graham 106 Gratz

Green Griesheimer Gunn Hagan-Harrell Harlan

Hartzler 123 Heckemeyer Hegeman Hickey Hollingsworth

Hosmer Johnson Kauffman Kelley 47 Kelly 27

Kennedy Koller Lakin Lawson Leake

Legan Liese Long Luetkenhaus Lumpe

May 108 Mays 50 McBride McClelland McLuckie

Monaco Murray Nordwald O'Connor O'Toole

Overschmidt Parker Pryor Ransdall Reynolds

Ross Schilling Schwab Scott Seigfreid

Sheldon 104 Shelton 57 Shields Smith Steen

Stokan Thomason 163 Townley Treadway Troupe

Vogel Wannenmacher Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 053

Akin Alter Auer Barry 100 Bartelsmeyer

Berkstresser Boatright Champion Chrismer Cierpiot

Clayton Crawford Dolan Edwards-Pavia Elliott

Enz Evans Foster Gaskill Gaston

Graham 24 Gross Hartzler 124 Hendrickson Hohulin

Hoppe Howerton Kissell Kreider Levin

Linton Lograsso Loudon Marble Merideth

Miller Murphy Naeger Patek Pouche

Purgason Reinhart Relford Richardson Ridgeway

Rizzo Robirds Sallee Secrest Stroker

Summers Surface Tate

PRESENT: 002

Bennett 15 Bonner

ABSENT WITH LEAVE: 017

Daniel 42 Days Ford Goward Hall

Hand Holand Kasten Ostmann Scheve

Shear Skaggs Stoll Thompson 37 Van Zandt

Wiggins Wooten

Speaker Gaw declared the bill passed.

On motion of Representative DeMarce, title to the bill was agreed to.

Representative Copeland moved that the vote by which the bill passed be reconsidered.

Representative Carter moved that motion lay on the table.

The latter motion prevailed.

ADJOURNMENT

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, May 22, 1997.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, First Day, Friday, May 16, 1997, pages 1 and 2, roll call, by showing Representatives Hoppe and Dolan voting "present" rather than "absent with leave".

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## House Journal

### First Extraordinary Session, 89th General Assembly

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### FOURTH DAY, THURSDAY, MAY 22 , 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

We find these chambers filled again today, compassionate Lord, with those who debate issues - life, choice, money, responsibility, health, the welfare of women, children and families and many others. Wisdom is needed, O Lord. Guidance, prayer, conscience, knowledge - all factors that need to be present to make the decisions that have to be made.

We ask your presence with each representative as they struggle within themselves to answer difficult questions. We ask your presence with them as they struggle to speak the true voice of their constituents - male, female, young and old. We ask your presence as they make their decisions. Help them base those decisions on compassion not judgment. Do not let fear keep them from taking the stand they feel they must take. Do not let selfishness stop them from rendering the service they are called to render. Do not let a lack of foresight cause them to make decisions which bring nothing but regret.

Your presence is needed, O God, and we pray that today that presence may be felt mightily throughout these halls. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the third day was approved as printed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 20**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Substitute Amendment No. 2 for Senate Committee Amendment No. 1

*Senate Substitute Amendment No. 2*

*for*

*Senate Committee Amendment No. 1*

AMEND House Bill No. 20, Page 32, Section 20.685, Line 1-48, by striking all of said section and inserting in lieu thereof the following:

"Section 20.685. To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding family planning services, pregnancy testing and follow-up services, provided that none of these funds may be expended for the purpose of performing, assisting or encouraging for abortion, and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit. None of these funds may be paid or granted to organizations or affiliates of organizations which provide or promote abortions. None of the funds may be expended for directly referring for abortion, however nondirective counseling relating to the pregnancy may be provided and nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulation adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section.

2. If any provision of subsection 1 of this section is in the future held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 and subsection 5 shall have no effect.

3. For the purpose of funding family planning services, pregnancy testing and follow-up services provided directly by the department of health or provided directly by government agencies including agencies of the United States, this state and any political subdivision of this state or directly by public health entities through contractual agreement with the department, provided that none of these funds may be expended for the purpose of encouraging for abortion. For the purposes of this subsection 3, public health entities shall include federally qualified health centers organized pursuant to 42 USC, section 1396d(1), rural health centers organized pursuant to 42 USC, section 1395x(aa)(2), community mental health centers organized pursuant to sections 205.975 to 205.990, RSMo, community action agencies organized pursuant to sections 660.370 to 660.374, RSMo, and migrant health centers organized pursuant to 42 USC, section 254b. None of the funds may be expended for directly referring for abortion, however nondirective counseling relating to the pregnancy may be provided and nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section.

4. If any provision of both subsection 1 and also of subsection 3 of this section is in the future held invalid, then this appropriation shall be in accordance with subsection 5, otherwise subsection 3 and subsection 5 shall have no effect.

5. For the purpose of funding family planning services, pregnancy testing and follow-up services provided directly by the department of health or provided directly by government agencies including agencies of the United States, this state and any political subdivision of this state through contractual agreement with the department or provided at the site of a city or county health department by an agency under contract with the city or county health department, provided that none of these funds may be expended for the purpose of encouraging for abortion. None of the funds may be expended for directly referring for abortion, however nondirective counseling relating to the pregnancy may be provided and nothing in this section requires an agency receiving federal funds pursuant to Title X of the Public Health Services Act to refrain from performing any service required pursuant to Title X, regulations adopted pursuant to Title X or the Title X Program Guidelines for Project Grants for Family Planning Services as published by the U.S. Department of Health and Human Services in order to remain eligible to receive Title X funds, to be eligible to receive state funds pursuant to this section.

From General Revenue Fund $5,018,639

From Federal Funds $1,464,819

Total $6,483,458";

and further amend said bill, Page 34, Section 20.690, Lines 33-35 by striking all of said lines.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 22**, entitled:

An act to appropriate money for the expenses, grants refunds, real property leases, related services, utilities, systems furniture and structural modifications for new FTE, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the Office of Administration, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

With Senate Amendment No. 1

*Senate Amendment No. 1*

Amend House Bill No. 22, Page 16, Section 22.330, Line 4, by deleting the number "$135,259" and inserting the number "$108,259".

In which the concurrence of the House is respectfully requested.

**HOUSE BILLS WITH SENATE AMENDMENTS**

**HB 20, with Senate Substitute Amendment No. 2 for Senate Committee Amendment No. 1**, relating to appropriations, was taken up by Representative Carter.

On motion of Representative Carter, the House concurred in Senate Substitute Amendment No. 2 for Senate Committee Amendment No. 1 by the following vote:

AYES: 117

Akin Alter Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Bonner Boucher Broach Burton

Carter Champion Chrismer Cierpiot Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

DeMarce Dolan Donovan Dougherty Elliott

Enz Evans Farnen Foley Foster

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 106 Gratz Griesheimer Gross

Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Hollingsworth Hosmer

Howerton Johnson Kasten Kelley 47 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Lograsso

Long Loudon Luetkenhaus Marble Merideth

Miller Monaco Murphy Murray Nordwald

O'Connor Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Steen

Stroker Summers Surface Tate Thomason 163

Townley Treadway Troupe Vogel Wannenmacher

Williams 159 Mr. Speaker

NOES: 027

Auer Bland Bray 84 Campbell Clayton

Davis 63 Davis 122 Days Farmer Fitzwater

Ford Franklin Graham 24 Gunn Kauffman

Kelly 27 Lumpe May 108 Mays 50 McClelland

McLuckie Scheve Schilling Shear Stokan

Williams 121 Wilson

PRESENT: 000

ABSENT WITH LEAVE: 019

Edwards-Pavia Green Hand Harlan Hickey

Holand Hoppe Linton McBride Naeger

O'Toole Ostmann Skaggs Smith Stoll

Thompson 37 Van Zandt Wiggins Wooten

On motion of Representative Carter, **HB 20, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 122

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Boatright Bonner Boucher Broach Burton
Carter Champion Cierpiot Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 122
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farnen Foley Foster
Fritts Froelker Gaskill Gaston Gibbons
Goward Graham 106 Gratz Griesheimer Gross
Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson
Hohulin Hollingsworth Hosmer Howerton Johnson
Kasten Kauffman Kelley 47 Kennedy Kissell
Koller Kreider Lakin Lawson Leake
Legan Levin Liese Lograsso Long
Loudon Luetkenhaus Lumpe Marble May 108
Mays 50 McClelland McLuckie Merideth Miller
Monaco Murphy Murray Nordwald O'Connor
Overschmidt Parker Patek Pouche Pryor
Purgason Ransdall Reinhart Relford Reynolds
Ridgeway Rizzo Robirds Ross Sallee
Schwab Scott Secrest Seigfreid Sheldon 104
Shelton 57 Shields Steen Stokan Stroker
Summers Surface Tate Thomason 163 Townley
Treadway Troupe Vogel Wannenmacher Williams 121
Williams 159 Mr. Speaker

NOES: 020

Akin Bland Bray 84 Campbell Chrismer
Clayton Davis 63 Days Farmer Fitzwater
Franklin Graham 24 Gunn Hagan-Harrell Hall
Kelly 27 Scheve Schilling Shear Wilson

PRESENT: 000

ABSENT WITH LEAVE: 021

Edwards-Pavia Ford Green Hand Harlan
Hickey Holand Hoppe Linton McBride
Naeger O'Toole Ostmann Richardson Skaggs
Smith Stoll Thompson 37 Van Zandt Wiggins
Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Auer, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative McLuckie moved that motion lay on the table.

The latter motion prevailed.

**HB 22, with Senate Amendment No. 1**, relating to appropriations, was taken up by Representative Lumpe.

On motion of Representative Lumpe, the House concurred in Senate Amendment No. 1 by the following vote:

AYES: 135

Alter Auer Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Boucher Bray 84 Broach
Burton Campbell Carter Champion Chrismer
Cierpiot Cooper Copeland Crawford Crump
Daniel 42 Daniels 41 Davis 63 Davis 122 Days
DeMarce Dolan Donovan Dougherty Elliott
Enz Evans Farmer Farnen Fitzwater
Foley Ford Foster Franklin Fritts
Froelker Gaskill Gaston Gibbons Goward
Graham 106 Gratz Griesheimer Gross Gunn
Hagan-Harrell Hall Hartzler 123 Hartzler 124 Heckemeyer
Hegeman Hendrickson Hohulin Hollingsworth Hosmer
Howerton Johnson Kasten Kauffman Kennedy
Kissell Koller Kreider Lakin Lawson
Leake Legan Levin Liese Lograsso
Long Loudon Luetkenhaus Lumpe Marble
May 108 Mays 50 McClelland McLuckie Merideth
Miller Monaco Murphy Murray Nordwald
O'Connor Overschmidt Parker Patek Pouche
Pryor Purgason Ransdall Reinhart Relford
Reynolds Richardson Ridgeway Rizzo Robirds
Ross Sallee Scheve Schilling Schwab
Scott Secrest Seigfreid Sheldon 104 Shelton 57
Shields Steen Stokan Stroker Summers
Surface Tate Thomason 163 Townley Treadway

Troupe Vogel Wannenmacher Williams 121 Williams 159

NOES: 007

Bonner Clayton Graham 24 Kelly 27 Shear

Wilson Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 021

Akin Edwards-Pavia Green Hand Harlan

Hickey Holand Hoppe Kelley 47 Linton

McBride Naeger O'Toole Ostmann Skaggs

Smith Stoll Thompson 37 Van Zandt Wiggins

Wooten

On motion of Representative Lumpe, **HB 22, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 087

Backer Ballard Barnett 4 Bauer Bland

Boucher Bray 84 Burton Campbell Carter

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Donovan

Dougherty Farmer Farnen Fitzwater Foley

Ford Franklin Fritts Gibbons Goward

Graham 106 Gratz Griesheimer Gunn Hagan-Harrell

Hall Hartzler 123 Heckemeyer Hegeman Hollingsworth

Hosmer Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Koller Lakin Lawson

Leake Legan Liese Long Luetkenhaus

Lumpe Mays 50 McClelland McLuckie Murray

Nordwald O'Connor Overschmidt Parker Pryor

Ransdall Reynolds Rizzo Ross Scheve

Schilling Schwab Scott Seigfreid Shear

Shelton 57 Shields Steen Stokan Summers

Tate Troupe Vogel Wannenmacher Williams 121

Wilson Mr. Speaker

NOES: 054

Akin Alter Auer Barry 100 Bartelsmeyer

Berkstresser Boatright Bonner Broach Champion

Chrismer Cierpiot Clayton Crawford Dolan

Elliott Enz Evans Foster Froelker

Gaskill Gaston Graham 24 Gross Hartzler 124

Hendrickson Hohulin Howerton Kissell Kreider

Levin Lograsso Loudon Marble May 108

Merideth Miller Murphy Patek Pouche

Purgason Reinhart Relford Richardson Ridgeway

Robirds Sallee Secrest Stroker Surface

Thomason 163 Townley Treadway Williams 159

PRESENT: 002

Bennett 15 Monaco

ABSENT WITH LEAVE: 020

Edwards-Pavia Green Hand Harlan Hickey

Holand Hoppe Linton McBride Naeger

O'Toole Ostmann Sheldon 104 Skaggs Smith

Stoll Thompson 37 Van Zandt Wiggins Wooten

Speaker Gaw declared the bill passed.

On motion of Representative Bray, title to the bill was agreed to.

Representative O'Connor moved that the vote by which the bill passed be reconsidered.

Representative Farmer moved that motion lay on the table.

The latter motion prevailed.

**RESOLUTIONS**

Speaker Gaw, joined by the entire House membership, offered House Resolution No. 1469.

House Resolution No. 1469

**Whereas**, upon occasion the members of the Missouri House of Representatives pause to recognize an individual who has demonstrated exceptional commitment in service to this august legislative body and to all the citizens of this great state; and

**Whereas**, the Honorable Nancy Farmer, State Representative from District Number 64, has left her duties as a duly elected member of the General Assembly to accept the challenge of her new position in the Office of the Mayor of the City of St. Louis; and

**Whereas**, initially elected to the House of Representatives in 1992, Nancy Farmer has distinguished herself by the proud, faithful, and capable manner in which she always fulfilled her obligations to those citizens who had

placed their trust and confidence in her; and

**Whereas**, during her five-year-tenure in the House, Nancy Farmer enjoyed the opportunity to utilize her leadership ability by serving as vice chairman of the Governmental Organization and Review committee and as vice chairman of Municipal Corporations; and

**Whereas**, Nancy Farmer also experienced a considerable degree of success by contributing her experience and expertise to the overall effective operation of such other important committees as Appropriations-Natural and Economic Resources; Correctional and State Institutions; and Ways and Means; and

**Whereas**, Nancy Farmer has touched the lives of countless citizens through the achievements she has realized as vice president of Women Legislators of Missouri and as a founding member of the St. Louis Area Legislators Caucus; and

**Whereas**, Nancy Farmer also belongs to the 28th Ward Regular Democratic Club and to numerous other community and neighborhood organizations:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, join unanimously in expressing appreciation to Nancy Farmer for her faithful service and in wishing her only the best as she looks to other avenues of achievement with the Office of the Mayor of the City of St. Louis; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Nancy Farmer, as a mark of our esteem for her.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 1469 was adopted.

Representative Tate assumed the Chair.

Speaker Gaw, joined by the entire House membership, offered House Resolution No. 1468.

House Resolution No. 1468

**Whereas**, upon occasion the members of the Missouri House of Representatives pause to recognize an individual who has demonstrated exceptional commitment in service to this legislative body and to the citizens of the great state of Missouri; and

**Whereas**, the Honorable Sheila Lumpe, longtime State Representative from District Number 72, has left her duties as a duly elected member of the General Assembly to accept a new position with the Missouri Public Service Commission; and

**Whereas**, initially elected to the House of Representatives in 1980, Sheila Lumpe served her constituents and all Missourians with the highest degree of dedication, competence, and enthusiasm for a period of sixteen years; and

**Whereas**, during her illustrious tenure in the House, Sheila Lumpe earned incredible distinction for the outstanding leadership she provided as chairman of the powerful Budget Committee, in which capacity she gave untiringly of herself to fulfill all of her important responsibilities; and

**Whereas**, Sheila Lumpe also played a significant role in the overall effectiveness of the Missouri House of Representatives by contributing her remarkable ability and her invaluable expertise as an industrious member of such other influential committees as Governmental Organization and Review; and Science, Technology and Critical Issues; and

**Whereas**, Sheila Lumpe has touched the lives of countless citizens in her community and all across this state and nation through the achievements she has realized while serving on the Victims Service Council advisory board, the People to People board, and the Youth Emergency service board; and

**Whereas**, a past board member of the University City schools, Sheila Lumpe has been actively involved as a trustee of the Missouri Consolidated Health Care Plan and as a member of the League of Women Voters, the ACLU, and Hadley Township Democratic Club:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, join unanimously in expressing appreciation to Sheila Lumpe for her longtime, faithful service and in wishing her only the best as she looks to the challenges awaiting her with her new duties on the Missouri Public Service Commission; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Honorable Sheila Lumpe, as a mark of our esteem for her.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 1468 was adopted.

**LETTER OF RESIGNATION**

May 22, 1997

Honorable Steve Gaw

Speaker of the House

Missouri House of Representatives

State Capitol Building

Jefferson City, Mo. 65101

Re: Resignation of office as Member of the Missouri General Assembly; 72nd District

Dear Speaker Gaw:

Pursuant to the Missouri State Constitution, I hereby resign as State Representative, District 72. As you are aware, I have accepted an appointment to the Public Service Commission. Therefore, please accept this letter of resignation as effective on May 22, 1997 at 2:45 p.m.

I would ask your office to provide proper notice to all other parties necessary to make this resignation complete and final.

Thank you for your cooperation.

Sincerely yours,

/s/ Sheila Lumpe

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 9:00 a.m., Thursday, May 29, 1997.

Return to the Missouri House of Representatives

**[corrected]**

# House Journal

## Second Extraordinary Session, 89th General Assembly

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FIRST DAY, Monday, September 8, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Through love be servants of one another." (Gal. 5:13)

As we begin this session, our minds are full of images in recent days of the death and funeral services of Diana, Princess of Wales, and mourning for Mother Teresa of Calcutta. We also carry the memory of our former Speaker's fall from grace, Missouri's three executions in August with a fourth halted, embarrassing news of the charges of mistreatment of Missouri prisoners in Texas and a renewed debate about partial birth abortions for the upcoming veto session on Wednesday.

Gracious God, as we mourn Diana and Teresa, we see two people, one coming from wealth and glamour to help the poor and abandoned, the other coming from the poor and abandoned to the wealthy asking for help; both challenged our hearts to openness.

We pray for all these memories, these mixed emotions and complex ethical issues which face us constantly in our work here and personally. Guide us with Your love and what ever discernment it takes to address the issues facing us this week. Bless our two new members as we welcome them today. Amen.

The Pledge of Allegiance to the flag was recited.

**COMMUNICATIONS FROM THE SECRETARY OF STATE**

TO THE SPEAKER OF THE HOUSE

Honorable Steve Gaw

Jefferson City, MO

Sir:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 72nd Legislative District in the State of Missouri, on the 19th day of August 1997, as provided by law, the following named person was elected to the office of State Representative, 72nd Legislative District as shown by the election results certified to this office by the Election Authority of the 72nd Legislative District.

**Name Office**

Betty L. Thompson State Representative

8315 Seville 72nd Legislative District

University City, MO 63132

**IN WITNESS WHEREOF**, I have hereunto set

my hand and affixed the seal of my office this 8th

day of September, 1997.

/s/ Rebecca McDowell Cook

Secretary of State

TO THE SPEAKER OF THE HOUSE

Honorable Steve Gaw

Jefferson City, MO

Sir:

I, Rebecca McDowell Cook, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 64th Legislative District in the State of Missouri, on the 19th day of August, 1997, as provided by law, the following name person was elected to the office of the State Representative, 64th Legislative District as shown by the election results certified to this office by the Election Authority of the 64th Legislative District.

**Name Office**

Robert Hilgemann State Representative

4131 Blaine Ave. 64th Legislative District

St. Louis, MO 63110

**IN WITNESS WHEREOF**, I have hereunto set

my hand and affixed the seal of my office this 8th

day of September, 1997.

/s/ Rebecca McDowell Cook

Secretary of State

**OATH OF OFFICE**

Representative Betty L. Thompson and Representative Robert Hilgemann advanced to the bar and subscribed to the oath of office, administered by the Honorable Steve Gaw, Speaker of the Missouri House of Representatives.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 140

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Boucher Bray 84 Broach Campbell

Carter Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Farnen Fitzwater

Foley Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Hartzler 123 Hartzler 124

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McClelland McLuckie Merideth

Monaco Murphy Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Steen

Stoll Stroker Summers Thomason 163 Thompson 72

Townley Treadway Troupe Vogel Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 022

Ballard Bland Bonner Burton Champion

Clayton Daniel 42 Evans Goward Hand

Harlan Heckemeyer Hosmer McBride Miller

Murray Smith Stokan Surface Thompson 37

Van Zandt Wannenmacher

VACANCY: 001

**MESSAGE FROM THE GOVERNOR**

The following Proclamation was received from His Excellency, Governor Mel Carnahan.

PROCLAMATION

WHEREAS, in the case of *Tillis, et al v. City of Branson*, the Supreme Court of Missouri held that the local tourism tax approved by voters was authorized pursuant to a state law which suffered from a constitutional defect which rendered the City of Branson powerless to impose the voter approved tax; and

WHEREAS, the city of Branson is subject to severe negative economic consequences if legislation to remedy the constitutional defect is not passed and approved; and

WHEREAS, the Department of Economic Development is an executive department of the State of Missouri, as enumerated in Article IV, Section 12 of the Missouri Constitution and the Reorganization Act of 1974; and

WHEREAS, Article IV, Section 36(a), authorizes the Department of Economic Development " to administer all programs provided by law relating to the promotion of the economy of the state, the economic development of the state, trade and business, and other activities and programs impacting on the economy of the state;" and

WHEREAS, the Eighty-Ninth General Assembly Truly Agreed and Finally Passed Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 165; and

WHEREAS, said bill was vetoed by me for the reasons stated in my veto message which is attached hereto and incorporated herein; and

WHEREAS, Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 165 did contain programs and activities related to or coordinated by the Department of Economic Development; and

WHEREAS, certain programs and activities related to or coordinated by the Department of Economic Development and contained in Conference Committee Substitute for Hosue Committee Substitute for Senate Substitute for Senate Bill No. 165 are crucial to the immediate economic future of the State of Missouri because of their impact on the relocation or establishment of new businesses and the subsequent impact on job opportunities for all of Missouri citizens, as well as the economic health of towns, cities and counties, both urban and rural, in the State of Missouri; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution, authorizes the Governor, "on extraordinary occasions [to] convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, the need to amend the Statutes of Missouri relating to (A) potential constitutional defects in the local tourism taxes currently authorized pursuant to state law, and, (B) certain programs and activities related to or coordinated by the Department of Economic Development is an extraordinary occasion as envisioned by Artice IV, Section 9, of the Constitution of the State of Missouri.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Eighty-ninth General

Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at the hour of 4:00 p.m., Central Daylight Time, September 8, 1997; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specially designated and limited hereinafter as follows:

(A) To remedy potential constitutional defects in the local tourism taxes currently authorized pursuant to state law; and

(B) To consider legislation relating to the following programs and activities related to or coordinated by the Department of Economic Development:

1. Tax Increment Financing

2. Missouri Development Finance Board

3. The Business Use Incentives for Large Scale Development Program

4. Enterprise Zones

5. Bank Community Development Corporation Tax Credits

6. Youth Opportunities and Violence Prevention Tax Credits

7. Certified Capital Companies

8. Ordering of Tax Credits

9. Mutual Funds Investment Companies

10. Community College New Jobs Training Program

11. Rehabilitation of Certified Historic Structures

12. Establishment of a property reuse revolving fund for what is popularly known as the Brownfields Program

13. Contracting Authority of Department of Economic Development

14. Research and Development Tax Credits

15. Microenterprise Loans

16. International Economic Development Exchange Program

17. Task Force on Trade and Investment

18. Community Development Corporations

19. Workfare Renovation Project

(C) Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto

set my hand and caused to be affixed the

Great Seal of the State of Missouri, in the

City of Jefferson, on this 25th day of August,

1997.

/s/ Mel Carnahan

GOVERNOR

ATTEST:

/s/ Rebecca McDowell Cook

SECRETARY OF STATE

**SPECIAL MESSAGE**

**TO ALL MEMBERS OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI**

WHEREAS, by my proclamation dated August 25, 1997, I convened the Eighty-ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, it has come to my attention that additional extraordinary matters need to be considered during this Second Extra Session; and

WHEREAS, the said Second Extra Session of the General Assembly has convened in the City of Jefferson on September 8, 1997, pursuant to my call:

NOW THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do hereby amend the matters specifically designate in said Proclamation for consideration by the General Assembly as follows:

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specially designated and limited hereinafter as follows:

(A) To remedy potential constitutional defects in the local tourism taxes current authorized pursuant to state law or in bills passed by the Eighty-ninth General Assembly during their First Regular Session as well as revisions ancillary to authorization of said tourism taxes, and to enact such remedies and revisions with an emergency clause; and

(B) To consider legislation relating to the following programs and activities coordinated or administered by the Department of Economic Development:

1. Tax Increment Financing

2. Missouri Development Finance Board

3. The Business Use Incentives for Large Scale Development Program

4. Enterprise Zones

5. Bank Community Development Corporation Tax Credits

6. Youth Opportunities and Violence Prevention Tax Credits

7. Certified Capital Companies

8. Ordering of Tax Credits

9. Mutual Funds Investment Companies

10. Community College New Jobs Training Program

11. Rehabilitation of Certified Historic Structures or structures in a Certified Historic District

12. Establishment of a property reuse revolving fund for what is popularly known as the Brownfields Program

13. Research and Development Tax Credits

14. Microenterprise Loans

15. International Economic Development Exchange Program

16. Task Force on Trade and Investment

17. Community Development Corporations

18. Workfare Renovation Project; and

(C) To allow the Senate to consider appointments to boards, commissions, departments and divisions that require the advice and consent of the Senate; and

(D) To amend the deadline for notification to election authorities of matters intended to be submitted to the voters for elections which are authorized by newly enacted statutes or statutes whose effective date is after the current deadline for notice to election authorities of the call for an election, and to enact such legislation with an emergency clause in order for municipalities to utilize the legislation enacted during this second extra session; and

(E) To consider legislation relating to nonprofit sewer companies and the regulation of waste water treatments within watershed regions; and

(F) To consider legislation authorizing a municipal general sales tax subject to voter approval, and which contains a sunset provision and which tax would be used for the purpose of promoting economic development through the construction of a convention center.

(G) Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto

set my hand and caused to be affixed the

Great Seal of the State of Missouri, in the

City of Jefferson, on this 25th day of August,

1997.

/s/ Mel Carnahan

GOVERNOR

ATTEST:

/s/ Rebecca McDowell Cook

SECRETARY OF STATE

**SPECIAL MESSAGE**

WHEREAS, by my Proclamation dated August 25, 1997, I convened the Eighty-ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, by my Special Message dated September 8, 1997, I expanded the matters specifically designated in said Proclamation; and

WHEREAS, "The Contracting Authority of the Department of Economic Development" was inadvertently deleted from section B of the Special Message which contained the programs and activities coordinated or administered by the Department of Economic Development to be considered during this Second Extra Session.

NOW THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority

vested in me as Governor by the Constitution of the State of Missouri, in addition to those matters specifically designated in said Special Message for consideration by the General Assembly do hereby include under section B of said Special Message:

"The Contracting Authority of the Department of Economic Development"

All other specifically designated matters contained in the Special Message dated September 8, 1997 shall remain the same.

IN WITNESS WHEREOF, I have

hereunto set my hand and caused to

be affixed the Great Seal of the State

Missouri, in the City of Jefferson,

on this 8th day of September 1997

/s/ Mel Carnahan

GOVERNOR

ATTEST:

/s/ Rebecca McDowell Cook

SECRETARY OF STATE

**RESOLUTIONS**

Representative Backer offered House Resolution No. 1.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives inform the Governor that the House is duly convened for the Second Extraordinary Session of the First Regular Session of the Eighty-ninth General Assembly and is now ready for consideration of business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House be directed to inform the Senate of the adoption of this resolution.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 1 was adopted by the following

vote:

AYES: 143

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Boucher Bray 84 Broach Campbell

Carter Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Shelton 57

Shields Skaggs Steen Stoll Stroker

Summers Thomason 163 Thompson 72 Townley Treadway

Troupe Vogel Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Akin Ballard Bonner Burton Champion

Clayton Evans Goward Hand Heckemeyer

McBride Murray Sheldon 104 Smith Stokan

Surface Thompson 37 Van Zandt Wannenmacher

VACANCY: 001

Representative Backer offered House Resolution No. 2.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives that all members of the House of Representatives shall be reimbursed for their actual and necessary expenses incurred while attending duly called meetings of any standing committee of the House or Senate in the state or meetings of the Senate during the Second Extraordinary Session of the First Regular Session of the Eighty-ninth General Assembly on the days that the House does not meet; and

BE IT FURTHER RESOLVED, that the expenses payable under this resolution shall not be paid to any member who qualifies for any other type of reimbursement and shall not exceed the legislative per diem allowed; and

BE IT FURTHER RESOLVED, that, upon approval of the Speaker of the House, the expenses of the House members be paid from the House or Joint contingent fund of the House.

Representative Kelley (47) offered House Amendment No. 1.

Representative Backer raised a point of order that House Amendment No. 1 goes beyond the scope of the resolution.

The Chair ruled the point of order well taken.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 2 was adopted by the following vote:

AYES: 141

Akin Alter Auer Backer Barnett 4

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Boucher Bray 84 Broach Campbell

Carter Chrismer Cierpiot Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Elliott Enz Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hickey Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Naeger Nordwald O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Steen Stoll Stroker Summers Thomason 163

Thompson 72 Townley Treadway Troupe Vogel

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 021

Ballard Barry 100 Bonner Burton Champion

Clayton Evans Ford Goward Hand

Heckemeyer McBride Murray O'Connor Richardson

Smith Stokan Surface Thompson 37 Van Zandt

Wannenmacher

VACANCY: 001

Representative Backer offered House Resolution No. 3.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk and the Accounts, Operations, and Finance Committee of the House be authorized to employ for the Second Extraordinary Session of the First Regular Session of the Eighty-ninth General Assembly: a Sergeant-at-Arms, a Reading Clerk, Five Doorkeepers, a Page, Three Journal Clerks, and other persons deemed necessary.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 3 was adopted by the following vote:

AYES: 144

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Campbell Carter Chrismer Cierpiot Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hickey

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Marble May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Naeger Nordwald O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stoll

Stroker Summers Thomason 163 Thompson 72 Townley

Treadway Troupe Vogel Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Ballard Bonner Burton Champion Clayton

Evans Goward Hand Harlan Heckemeyer

McBride Murray Smith Stokan Surface

Thompson 37 Van Zandt Wannenmacher

VACANCY: 001

Representative Backer offered House Resolution No. 4.

HOUSE RESOLUTION NO. 4

**Whereas**, the members of the Missouri House of Representatives proudly but solemnly pause to commemorate one of the lesser-known episodes of the Second World War; and

**Whereas**, on Christmas Eve, 1944, there occurred a catastrophe that had remained virtually unknown for more than a half century; and

**Whereas**, wartime censorship prohibited any official report of this historic event which came to light only recently with the July, 1997, publication of Allan Andrade's book, **S.S. Leopoldville Disaster, December 24, 1944**; and

**Whereas**, on December 24, 1944, a Belgian troopship, the S.S. Leopoldville, met disaster as the target of a torpedo attack by a German submarine; and

**Whereas**, at the time of this tragic incident, the S.S. Leopoldville was transporting members of the 66th (Black Panther) Infantry Division to fight in the Battle of the Bulge; and

**Whereas**, the S.S. Leopoldville, which was carrying 2,235 American soldiers, sank, and official records claim 802 of those brave warriors perished; and

**Whereas**, thirty-one soldiers from the great state of Missouri were among the 802 Americans who lost their lives for the cause of freedom on that infamous day; and

**Whereas**, on November 7, 1997, a special monument commemorating the Leopoldville Disaster will be dedicated during a solemn ceremony to take place at Fort Benning, Georgia:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, join unanimously in expressing our heartfelt gratitude to all those courageous, young Americans, including those who perished and those who survived, for the enormous sacrifice they had made and the unparalleled bravery they had displayed as soldiers committed to pride, honor, loyalty, and duty despite the horrors of war; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for presentation during the forthcoming dedication ceremony.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 4 was adopted.

AYES: 139

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Campbell Carter Chrismer Cierpiot Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Enz Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Hegeman Hendrickson Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Lakin Lawson

Leake Legan Levin Linton Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McClelland McLuckie Merideth Miller

Monaco Murphy Naeger Nordwald O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stoll

Stroker Summers Thomason 163 Thompson 72 Townley

Treadway Troupe Vogel Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 023

Ballard Bonner Burton Champion Clayton

Elliott Evans Goward Green Hand

Heckemeyer Hickey Kreider Liese McBride

Murray Scheve Smith Stokan Surface

Thompson 37 Van Zandt Wannenmacher

Representative Kelley (47) offered House Resolution No. 5.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has offered and adopted the following resolution:

Senate Resolution No. 1

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the Second Extra Session of the First Regular Session and is ready for consideration of its business.

**COMMITTEE CHANGES**

The Speaker submitted the following changes:

Representative Bray has been appointed Chairperson of the Ways and Means Committee.

Representative Franklin has been appointed Chairperson of the Budget Committee.

Representative Harlan has been appointed to the Special Session Budget Committee.

Representative McLuckie has been appointed to the Special Session Budget Committee.

Representative Scheve has been appointed Chairperson of the Appropriations--Natural and Economic Resources Committee.

Representative Troupe has been appointed Chairperson of the Appropriations--Social Services and Corrections Committee.

Representative Lakin has been appointed Chairperson of the Appropriations--Education and Public Safety Committee.

**INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and 1,000 copies ordered printed:

**HB 1**, introduced by Representatives Leake, Overschmidt, Summers, Griesheimer, Franklin, Hohulin, Koller, Farnen, Scott, Thomason (163) and DeMarce, relating to certain nonprofit membership corporations organized for the purpose

of supplying waste water disposal and treatment services.

**HB 2**, introduced by Representatives Gratz and Vogel, relating to sales taxation, with an emergency clause.

**HB 3**, introduced by Representative Kreider, et al, relating to municipalities.

**HB 4**, introduced by Representative Kreider, et al, relating to notification of elections.

**LETTER OF RESIGNATION**

August 11, 1997

The Honorable Steve Gaw, Speaker

Missouri House of Representatives

State Capitol Building

Jefferson City, MO 65101

Dear Speaker Gaw:

Please be informed that I hereby resign my position as State Representative of the 3rd Legislative District of the Missouri House of Representatives to be official on August 11, 1997 at 12:00 midnight. I will be assuming a new position with the Missouri Department of Economic Development.

I am deeply honored to have served with you and the many present and past members of the Missouri General Assembly. My tenure in the House has been a wonderful experience.

I take with me from the past eleven years many marvelous experiences and friendships. I believe with all my heart that the Missouri House of Representatives is the "peoples legislative body." We are a 163-member microcosm of this state. We reflect the opinions and positions of the 32,000 people we represent in our respective legislative districts. Running for office every two years continues to keep us in constant touch with the opinions, feelings, and thoughts of our constituents. The two-year term and the fact that we are always running for office is not a detriment. It makes us more politically reflective of the people we represent. It is the reason that we are the lower body and truly the "peoples house." We must always work to protect that.

We must all continue to work tirelessly to bring government closer to the people. In doing so, it is our responsibility to make government and public service something of which to be proud. I know that I certainly am.

I appreciate all that you and your staff have done for me and if I can ever by of any assistance in my new position, please don't hesitate to call upon me.

Respectfully submitted,

/s/ Phil Tate

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 8:00 a.m., Tuesday, September 9, 1997.

**COMMITTEE MEETINGS**

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, September 9, 1997, 9:00 am. Hearing Room 9. Presentation by Van

Donley of State Tax Commission.

LOCAL GOVERNMENT AND RELATED MATTERS

Tuesday, September 9, 1997, 9:30 am. Hearing Room 8. Tourism tax issues.

AMENDED NOTICE #2. Executive session to follow.

To be considered - HB 3, HB 4, HB 2

UTILITIES REGULATION

Tuesday, September 9, 1997, 8:30 am. Hearing Rooms 3 & 4.

To be considered - HB 1

Executive Session may follow.

**HOUSE CALENDAR**

SECOND DAY, TUESDAY, SEPTEMBER 9, 1997

**HOUSE BILLS FOR SECOND READING**

HB 1 through HB 4

 Return to the Missouri House of Representatives

# House Journal

## Second Extraordinary Session, 89th General Assembly

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SECOND DAY, Tuesday, September 9, 1997

Representative Gratz in the Chair.

**SECOND READING OF HOUSE BILLS**

**HB 1** through **HB 4** were read the second time.

**REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1** - Utilities Regulation

**HB 2** - Local Government and Related Matters

**HB 3** - Local Government and Related Matters

**HB 4** - Local Government and Related Matters

On motion of Representative Gratz, the House recessed until 1:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Representative Scheve.

Prayer by Father Hugh Behan.

"Pleasant words are like a honeycomb, sweetness to the soul, and health to the body." (Proverbs 16:24).

Today we continue the reflection on the deaths of Diana, Princess of Wales and Mother Teresa of India. The one who

was 87 years of age, cheated death often and had completed more than her life's work, the other, who was only 36 was cheated by death when it looked like she might finally be allowed to be herself. Ironically, the one, a foreign missionary in a non-Christian country will be given a state funeral with military honors, and is being treated as a queen, the other a princess, the probable mother of a future king, was treated to an awkward reluctance to break with protocol. Gracious God, may this worldwide lesson help us in our daily lives, to do what is best, to follow our hearts, to be surprised by your mysterious ways of bringing good out of evil and of teaching us lessons about your ultimate authority over our lives and that final accounting of our stewardship over the loan you give us of our days, our talents and energy. Amen.

The Pledge of Allegiance to the flag was recited.

Speaker Gaw assumed the Chair.

The Journal of the first day was approved as corrected by the following vote:

AYES: 150

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Carter Chrismer Cierpiot Clayton

Cooper Crawford Crump Daniel 42 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Steen Stokan Stroker Summers Surface

Thomason 163 Thompson 37 Thompson 72 Townley Treadway

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Ballard Bray 84 Campbell Champion Copeland

Daniels 41 Davis 63 Goward Hand Nordwald

Smith Stoll

VACANCY: 001

**COMMITTEE REPORT**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 1**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**HOUSE CALENDAR**

September 9, 1997 - 1:00 p.m.

**HOUSE BILL FOR PERFECTION**

HB 1 - Leake

**MOTION**

Representative Backer moved that Rule 43(a) be suspended for the purpose of taking up the House Bill for Perfection Calendar.

Which motion was adopted by the following vote:

AYES: 147

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Broach

Burton Campbell Carter Chrismer Cierpiot

Clayton Cooper Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 DeMarce Dolan

Donovan Dougherty Edwards-Pavia Elliott Enz

Evans Farnen Fitzwater Foley Ford

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Green Griesheimer Gross Gunn Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Kreider Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murphy Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Steen Stroker

Summers Surface Thomason 163 Thompson 37 Thompson 72

Townley Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 014

Ballard Bray 84 Champion Copeland Days

Goward Hand Koller Lakin Nordwald

Robirds Smith Stokan Stoll

VACANCY: 001

**HOUSE BILL FOR PERFECTION**

**HB 1**, relating to waste water, was taken up by Representative Leake.

On motion of Representative Leake, **HB 1** was ordered perfected and printed.

On motion of Representative Backer, the House recessed until 3:30 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**COMMITTEE REPORTS**

**Committee on Local Government and Related Matters**, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 2**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 3**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 4**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**HOUSE CALENDAR**

September 9, 1997 - 3:30 p.m.

**HOUSE BILLS FOR PERFECTION**

**HCS HB 2 - Gratz, Vogel**

**HCS HB 3 - Kreider**

**HCS HB 4 - Kreider**

**HOUSE BILLS FOR PERFECTION**

**Representative Backer moved that Rule 43(a) be suspended for the purpose of taking up HCS HB 2 for perfection.**

**Which motion was adopted by the following vote:**

**AYES: 138**

**Akin Alter Auer Backer Barnett 4**

**Barry 100 Bartelsmeyer Bauer Bennett Berkstresser**

**Bland Boatright Bonner Boucher Broach**

**Burton Campbell Carter Chrismer Cierpiot**

**Clayton Cooper Crawford Crump Davis 63**

**Davis 122 Days DeMarce Dolan Donovan**

**Dougherty Edwards-Pavia Elliott Enz Evans**

**Farnen Fitzwater Foley Ford Foster**

**Franklin Fritts Froelker Gaskill Gaston**

**Gibbons Graham 24 Graham 106 Gratz Green**

**Griesheimer Gross Gunn Hagan-Harrell Hall**

**Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman**

**Hickey Hilgemann Hollingsworth Hoppe Howerton**

**Johnson Kasten Kauffman Kelly 27 Kennedy**

**Kissell Koller Kreider Lawson Leake**

**Legan Levin Liese Linton Lograsso**

**Long Loudon Luetkenhaus Marble May 108**

**McBride McClelland McLuckie Merideth Miller**

**Monaco Murray O'Connor O'Toole Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reinhart Relford Reynolds**

**Richardson Ridgeway Rizzo Robirds Ross**

**Sallee Scheve Schilling Scott Secrest**

**Seigfreid Sheldon 104 Shelton 57 Shields Skaggs**

**Steen Stokan Stroker Summers Surface**

**Thomason 163 Thompson 72 Townley Treadway Van Zandt**

**Vogel Wannenmacher Wiggins Williams 121 Williams 159**

**Wilson Wooten Mr. Speaker**

**NOES: 002**

**Hendrickson Hohulin**

**PRESENT: 000**

**ABSENT WITH LEAVE: 022**

**Ballard Bray 84 Champion Copeland Daniel 42**

**Daniels 41 Goward Hand Holand Hosmer**

**Kelley 47 Lakin Mays 50 Murphy Naeger**

**Nordwald Schwab Shear Smith Stoll**

**Thompson 37 Troupe**

**VACANCY: 001**

**HCS HB 2, relating to tourism sales tax for Jefferson City, was taken up by Representative Gratz.**

**Representative Gratz offered House Amendment No. 1.**

***House Amendment No. 1***

**AMEND House Committee Substitute for House Bill No. 2, Page 2, Section 1, Line 47, by inserting after the word "section" the following: ", less one percent for the cost of collection which shall be deposited in the general revenue fund, ".; and**

**further amend said substitute, Page 1, Section 1, Line 8, by striking the word "centers" and inserting in lieu thereof the word "center"; and**

**further amend said substitute, Page 3, Section 1, Line 52, by striking the words "civic convention" and inserting in lieu thereof the words "civic and convention".**

**On motion of Representative Gratz, House Amendment No. 1 was adopted.**

**On motion of Representative Gratz, HCS HB 2, as amended, was adopted.**

**On motion of Representative Gratz, HCS HB 2, as amended, was ordered perfected and printed.**

**Representative Backer moved that Rule 43(a) be suspended for the purpose of taking up HCS HB 3 and HCS HB 4 for perfection.**

**Which motion was adopted by the following vote:**

**AYES: 133**

**Akin Alter Auer Backer Barnett 4**

**Barry 100 Bartelsmeyer Bauer Berkstresser Bland**

**Boatright Bonner Boucher Bray 84 Broach**

**Burton Campbell Carter Chrismer Cierpiot**

**Clayton Cooper Crawford Crump Davis 63**

**Davis 122 Days DeMarce Dolan Donovan**

**Dougherty Edwards-Pavia Enz Evans Farnen**

**Fitzwater Foley Foster Fritts Froelker**

**Gaskill Gaston Gibbons Graham 106 Gratz**

**Green Griesheimer Gross Gunn Hagan-Harrell**

**Hall Hartzler 123 Hartzler 124 Heckemeyer Hegeman**

**Hickey Hilgemann Holand Hollingsworth Hoppe**

**Hosmer Johnson Kasten Kauffman Kelly 27**

**Kennedy Koller Kreider Lakin Lawson**

**Leake Legan Levin Liese Linton**

**Lograsso Long Loudon May 108 Mays 50**

**McBride McClelland McLuckie Merideth Miller**

**Monaco Murray Naeger O'Connor Ostmann**

**Overschmidt Patek Pouche Pryor Purgason**

**Ransdall Reinhart Relford Reynolds Richardson**

**Ridgeway Rizzo Robirds Ross Sallee**

**Scheve Schilling Schwab Scott Secrest**

**Seigfreid Shear Sheldon 104 Shields Skaggs**

**Steen Stokan Stroker Summers Surface**

**Thomason 163 Thompson 37 Thompson 72 Townley Treadway**

**Van Zandt Vogel Wannenmacher Wiggins Williams 121**

**Wilson Wooten Mr. Speaker**

**NOES: 004**

**Bennett 15 Hendrickson Hohulin Murphy**

**PRESENT: 000**

**ABSENT WITH LEAVE: 025**

**Ballard Champion Copeland Daniel 42 Daniels 41**

**Elliott Ford Franklin Goward Graham 24**

**Hand Harlan Howerton Kelley 47 Kissell**

**Luetkenhaus Marble Nordwald O'Toole Parker**

**Shelton 57 Smith Stoll Troupe Williams 159**

**VACANCY: 001**

**HCS HB 3, relating to tourism sales tax, was taken up by Representative Kreider.**

**Representative Kreider offered House Amendment No. 1.**

***House Amendment No. 1***

**AMEND House Committee Substitute for House Bill No. 3, Page 1, In the Title, Line 3, by inserting immediately after the word "remedying" the word "potential"; and**

**Further amend said bill, Page 3, Section 94.812, Line 4, by inserting immediately after the word "municipality" the words "or its designee"; and**

**Further amend said bill, Page 5, Section 94.817, Line 42, by inserting immediately after the percentage sign "%" the words "be imposed"; and**

**Further amend said bill, Page 7, Section 94.820, Line 11, by inserting immediately after the word "[such]" the**

**words "and otherwise secure"; and**

**Further amend said bill, Page 9, Section B, Line 15, by deleting the word "will" and inserting in lieu thereof the word "may"; and**

**Further amend said bill, Page 9, Section B, Lines 16 and 17, by deleting the words "on certain bonds, and may have such an effect".**

**On motion of Representative Kreider, House Amendment No. 1 was adopted.**

**Representative Scheve resumed the Chair.**

**Representative Kauffman offered House Amendment No. 2.**

***House Amendment No. 2***

**AMEND House Committee Substitute for House Bill No. 3, Page 1, Section 94.800, Line 1, by adding after 94.800 the following: (1.)**

**And further amend Page 1, Line 7, by adding at the end of the line the following:**

**2. Any school district located within all or any part of a municipality imposing a tourism tax pursuant to sections 94.802 and 94.805 shall not qualify for the provisions of RSMo 171.031 subsection (3).**

**Representative Kauffman moved that House Amendment No. 2 be adopted.**

**Which motion was defeated.**

**Representative Kissell offered House Amendment No. 3.**

***House Amendment No. 3***

**AMEND House Committee Substitute for House Bill No. 3, Page 1, In the Title, Line 2, by inserting after the word "sections" the number "67.1150,"; and**

**Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and**

**Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the number**

**"67.1150,"; and**

**Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and**

**Further amend said bill, Page 1, Section A, Line 3, by inserting after the word "sections" the number "67.1150,"; and**

**Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:**

**"67.1150. 1. There is hereby authorized to be created in any county [of the first class] with a population of at least two hundred thousand inhabitants which adjoins a [first class] county with a [charter form of government having a] population of nine hundred thousand or more inhabitants, a special authority to be known as the "..... County Convention and Sports Facilities Authority", hereinafter referred to in sections 67.1150 to 67.1158 as the "authority". The authority may be created by order of the county governing body, and certified copies of such order shall be filed in the offices of the governor and secretary of state. The authority shall be a body corporate and politic, and a political subdivision of the state of Missouri.**

**2. The provisions of sections 67.1150 to 67.1158 shall apply to any authority organized under the provisions of sections 67.1150 to 67.1158.**

**[3. If the authority is created by a first class county and that county later changes its form of government to a charter form of government or any other classification of county, the authority shall remain in full force and effect despite the change in the form of government.]".**

**On motion of Representative Kissell, House Amendment No. 3 was adopted.**

**Speaker Gaw resumed the Chair.**

**Representative Williams (121) offered House Amendment No. 4.**

***House Amendment No. 4***

**AMEND House Committee Substitute for House Bill No. 3, Page 1, In the Title, Line 2, by inserting immediately after the figure "1994," the following: "and section 67.1300 as enacted by the first regular session of the eighty-ninth general assembly in conference committee substitute for house substitute for house committee substitute for senate bill no. 21 and approved by the governor on July 7, 1997,"; and**

**Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and**

**Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after the figure "1994," the**

**following: "and section 67.1300 as enacted by the first regular session of the eighty-ninth general assembly in conference committee substitute for house substitute for house committee substitute for senate bill no. 21 and approved by the governor on July 7, 1997,"; and**

**Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and**

**Further amend said bill, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:**

**"67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand [with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants] or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo:**

**(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;**

**(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;**

**(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;**

**(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and**

**(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.**

**2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.**

**3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.**

**4. Such proposal shall be submitted in substantially the following form:**

**Shall the (city, town, village or county) of ..... impose a sales tax of ..... (insert amount) for the purpose of economic development in the (city, town, village or county)?**

**[ ] YES [ ] NO**

**If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.**

**5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.**

**6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing**

**body in accordance with applicable laws relating to the investment of other county or municipal funds.**

**7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".**

**8. The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.**

**9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.**

**10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.**

**11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.**

**12. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.**

**13. For purposes of this section, the term "economic development" is limited to the following:**

**(1) Operations of economic development or community development offices, including the salaries of employees;**

**(2) Provision of training for job creation or retention;**

**(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and**

**(4) Refurbishing of existing structures and property relating to community development.".**

**On motion of Representative Williams (121), House Amendment No. 4 was adopted.**

**Representative Cooper offered House Amendment No. 5.**

***House Amendment No. 5***

**AMEND House Committee Substitute for House Bill No. 3, Page 2, Section 94.802, Line 7, by deleting the word "four" in said line and inserting in lieu thereof the word "three"; and**

**Further amend said bill, Page 3, Section 94.805, Line 7, by deleting the word "two" on said line and inserting in lieu thereof the word "one-half"; and**

**Further amend said bill, Page 4, Section 94.815, Line 25, by deleting lines 25, 26 and 27; and**

**Further amend said bill, Page 4, Section 94.815, Line 28, by deleting the number "5" and inserting in lieu thereof the number "4".**

**Representative Cooper moved that House Amendment No. 5 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 056**

**Auer Backer Barry 100 Bland Bonner**

**Boucher Bray 84 Broach Carter Cierpiot**

**Cooper Davis 63 Days Dougherty Edwards-Pavia**

**Fitzwater Foley Ford Franklin Graham 24**

**Green Gunn Harlan Hickey Hilgemann**

**Hollingsworth Hoppe Johnson Kauffman Kennedy**

**Lakin Leake Legan Lograsso McClelland**

**McLuckie Murray O'Connor O'Toole Ostmann**

**Reynolds Rizzo Scheve Schilling Schwab**

**Shear Sheldon 104 Smith Stroker Thompson 72**

**Treadway Troupe Van Zandt Wiggins Williams 121**

**Wilson**

**NOES: 094**

**Akin Alter Barnett 4 Bartelsmeyer Bauer**

**Bennett 15 Berkstresser Boatright Burton Chrismer**

**Clayton Crawford Crump Daniels 41 Davis 122**

**DeMarce Dolan Donovan Elliott Enz**

**Evans Farnen Foster Fritts Froelker**

**Gaskill Gaston Gibbons Graham 106 Gratz**

**Griesheimer Gross Hagan-Harrell Hartzler 123 Hartzler 124**

**Heckemeyer Hegeman Hendrickson Hohulin Holand**

**Howerton Kasten Kelly 27 Kissell Koller**

**Kreider Lawson Levin Liese Linton**

**Long Loudon Luetkenhaus Marble May 108**

**Mays 50 McBride Merideth Miller Monaco**

**Murphy Naeger Overschmidt Parker Patek**

**Pouche Pryor Purgason Ransdall Reinhart**

**Relford Richardson Ridgeway Robirds Ross**

**Sallee Scott Secrest Seigfreid Shelton 57**

**Shields Skaggs Steen Stokan Summers**

**Surface Thomason 163 Thompson 37 Townley Vogel**

**Wannenmacher Williams 159 Wooten Mr. Speaker**

**PRESENT: 001**

**Campbell**

**ABSENT WITH LEAVE: 011**

**Ballard Champion Copeland Daniel 42 Goward**

**Hall Hand Hosmer Kelley 47 Nordwald**

**Stoll**

**VACANCY: 001**

**Representative Green offered House Amendment No. 6.**

**Representative Lograsso raised a point of order that House Amendment No. 6 goes beyond the scope of the title of the bill and raised a futher point of order that House Amendment No. 6 goes beyond the call of the Governor.**

**The Chair ruled the point of order that House Amendment No. 6 goes beyond the scope of the title of the bill well taken.**

**The Chair determined it was not necessary to rule on the point of order that House Amendment No. 6 goes beyond the call of the Governor.**

**Representative Days offered House Amendment No. 6.**

***House Amendment No. 6***

**AMEND House Committee Substitute for House Bill No. 3, Page 1, Section 94.800, Line 1, by inserting after the number "94.800" the number "1."; and**

**Further amend said bill, Page 1, Section 94.800, Line 7, by inserting after all of said line the following:**

**"2. The governing body of any municipality that imposes a local tax pursuant to sections 94.800 to 94.820 shall cause an audit to be made by an independent certified public accountant of its books, accounts and records with respect to its receipts, disbursements, contracts, mortgages, leases, assignments, loans and all other matters relating to such taxes imposed pursuant to sections 94.800 to 94.820. The initial audit shall cover the time period from when taxes were first collected pursuant to sections 94.800 to 94.820 until December 31, 1997, thereafter audits shall be conducted for each two-year period after December 31, 1997. The person performing such audit shall furnish copies of the initial audit by August 1, 1998, to the state auditor, where it shall be placed on file and made available for inspection by the general public. The person performing such audit shall also furnish copies of the audit report to the governor, the speaker of the house of representatives, the president of the senate and the majority and minority leaders of both houses. Thereafter the audit shall be submitted by August first of the year following the audit period. The person shall distribute copies of such audits as required by this section.".**

**Representative Shields offered House Amendment No. 1 to House Amendment No. 6.**

***House Amendment No. 1***

***to***

***House Amendment No. 6***

**AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 3, Page 2, Section 2, Line 11, by adding after the period the following:**

**"The cost of the audit described in this section shall be borne by the State of Missouri."**

**Representative Froelker offered House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 6.**

***House Substitute Amendment No. 1***

***for***

***House Amendment No. 1***

***to***

***House Amendment No. 6***

**AMEND House Amendment No. 6 to House Committee Substitute for House Bill No. 3, Page 2, Section 2, Line 11, by inserting after said line the following:**

**"The Cost of the independent audit shall be paid for by funds from the House Contingency Fund".**

**Representative Froelker moved that House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 6 be adopted.**

**Which motion was defeated.**

**Representative Shields moved that House Amendment No. 1 to House Amendment No. 6 be adopted.**

**Which motion was defeated.**

**Representative Days moved that House Amendment No. 6 be adopted.**

**Which motion was defeated.**

**Representative Crump offered House Amendment No. 7.**

*House Amendment No. 7*

**AMEND House Committee Substitute for House Bill No. 3, Page 7, Section 94.822, Line 11, by inserting immediately after all of said line the following:**

**"Section 1. 1. As used in this section the following terms shall mean:**

**(1) "Campground", real property, other than state-owned property, which contains parcels for rent to transient guests for pay or compensation, which may include temporary utility hook-ups for use by the transient guests and where such transient guests generally use tents, recreational vehicles or some other form of temporary shelter while on the rented premises;**

**(2) "General tourism tax", any local sales tax within the meaning of section 32.085, RSMo, which is imposed by a taxing authority for the purpose of producing revenue to be used primarily to promote tourism or convention business;**

**(3) "Hotel", "motel", "condominium unit", or "tourist court", any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, including bed and breakfast facilities, and kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests. A shelter for the homeless operated by a not for profit organization is not a hotel, motel, condominium unit or tourist court;**

**(4) "Lodging tourism tax", a tax imposed on the price paid or charged to any person for rooms or accommodations paid by transient guests of hotels, motels, condominium units, campgrounds and tourist courts;**

**(5) "Private attraction tourism tax", a tax imposed on the price paid or charged to any person for any admission ticket to or participation in any private tourist attraction in the taxing authority;**

**(6) "Private tourist attraction", any commercial entity which appeals to the recreational desires and tastes of the traveling public through the presentation of services or devices designed to entertain or educate visitors;**

**(7) "Restaurant tourism tax", a tax imposed on the price paid or charged to any person for food and drinks sold on the premises of any restaurant in the taxing authority;**

**(8) "Taxing authority", a city or county imposing a tax pursuant to this section;**

**(9) "Tourism tax", a general tourism tax or a local promotion of tourism tax as defined in subsection 4 of this section;**

**(10) "Transient guest", a person who occupies a room or rooms in a hotel, motel, condominium unit,**

**campground or tourist court for thirty consecutive days or less.**

**2. No taxing authority shall impose more than one tourism tax within the same geographical area at any given time. No city or county which is within an area where a tourism tax is imposed shall itself impose any tourism tax.**

**3. The governing body of any city or county may adopt pursuant to this section, by ordinance or order, a "Local Promotion of Tourism Sales Tax" for the sole purpose of funding the promotion of tourism. The tax authorized pursuant to this section shall be in addition to all other sales taxes allowed by law. The ordinance shall become effective after the governing body submits to the voters of the city or county a proposal authorizing the tax.**

**4. The local promotion of tourism sales tax shall consist of any or all of the following taxes:**

**(1) The lodging tourism tax;**

**(2) The private attraction tourism tax; and**

**(3) The restaurant tourism tax.**

**5. The local promotion of tourism sales tax may be approved at a rate of one, two, three or four percent.**

**6. The ballot of submission shall contain substantially the following language:**

**Shall ..... (name of city or county) impose a sales tax of ..... (insert rate) for the purpose of funding the promotion of tourism to be charged for the sale of .....(insert brief description of applicable tax or taxes pursuant to subsection 4 of this section to be imposed)?**

**[ ] YES [ ] NO**

**If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".**

**If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order shall be in effect, beginning the first day of the second calendar quarter following its adoption or a later date if authorized by the governing body. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to impose the sales tax authorized in this section unless and until the governing body of the city shall again have submitted another such proposal and the proposal is approved by the requisite majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section.**

**7. The taxing authority imposing the sales tax pursuant to this section shall adopt rules and regulations for the**

**internal collection of such tax by the taxing authority officers usually responsible for collection and administration of fees and taxes. The taxing authority may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes imposed pursuant to this section and such unpaid taxes shall be considered delinquent thirty days after the last day of each quarter.".; and**

**Further amend said bill by amending the title and enacting clause accordingly.**

**Representative Lograsso raised a point of order that House Amendment No. 7 goes beyond the scope of the title of the bill and beyond the call of the Governor.**

**The Chair ruled the point of order not well taken.**

**Representative DeMarce offered House Amendment No. 1 to House Amendment No. 7.**

***House Amendment No. 1***

***to***

***House Amendment No. 7***

**AMEND House Amendment No. 7 to House Committee Substitute for House Bill No. 3, Page 3, Subsection 3, in the first line, by inserting after the word "city", the following: ", town, village".**

**On motion of Representative DeMarce, House Amendment No. 1 to House Amendment No. 7 was adopted.**

**Representative Lograsso offered House Amendment No. 2 to House Amendment No. 7.**

***House Amendment No. 2***

***to***

***House Amendment No. 7***

**AMEND House Amendment No. 7 to House Committee Substitute for House Bill No. 3, Page 4, Section 1, Line 1 of said page, by deleting the words "one, two, three or" and inserting in lieu thereof the words "up to".**

**On motion of Representative Lograsso, House Amendment No. 2 to House Amendment No. 7 was adopted.**

**Representative Reynolds offered House Amendment No. 3 to House Amendment No. 7.**

***House Amendment No. 3***

***to***

*House Amendment No. 7*

**AMEND House Amendment No. 7 to House Committee Substitute for House Bill No. 3, Page 2, Section 1, Line 24, by inserting before the semi-colon ";" the following: "but shall not apply to drinks sold for consumption on the premises of establishments licensed pursuant to section 311.090, RSMo, to sell intoxicating liquors".**

**Representative Reynolds moved that House Amendment No. 3 to House Amendment No. 7, be adopted.**

**Which motion was defeated.**

**On motion of Representative Crump, House Amendment No. 7, as amended, was adopted by the following vote:**

**AYES: 102**

**Alter Auer Backer Barnett 4 Barry 100**

**Bartelsmeyer Bauer Berkstresser Boucher Bray 84**

**Burton Campbell Crawford Crump Daniels 41**

**Davis 63 Davis 122 DeMarce Dougherty Enz**

**Fitzwater Ford Foster Fritts Gaskill**

**Gibbons Graham 24 Graham 106 Gratz Green**

**Griesheimer Hagan-Harrell Harlan Hartzler 123 Hartzler 124**

**Heckemeyer Hendrickson Hickey Hilgemann Holand**

**Hollingsworth Hoppe Johnson Kasten Kauffman**

**Kelly 27 Kennedy Kissell Koller Kreider**

**Lakin Lawson Leake Legan Levin**

**Liese Long Luetkenhaus May 108 McBride**

**McClelland McLuckie Merideth Miller Murray**

**Naeger O'Connor Overschmidt Parker Patek**

**Pouche Pryor Purgason Ransdall Relford**

**Richardson Rizzo Robirds Ross Sallee**

**Schwab Secrest Seigfreid Shear Shields**

**Skaggs Stokan Stroker Surface Thomason 163**

**Thompson 37 Thompson 72 Townley Treadway Van Zandt**

**Vogel Wiggins Williams 121 Williams 159 Wilson**

**Wooten Mr. Speaker**

**NOES: 044**

**Bennett 15 Bland Boatright Bonner Broach**

**Carter Chrismer Cierpiot Clayton Cooper**

**Days Dolan Donovan Edwards-Pavia Elliott**

**Evans Farnen Foley Franklin Gaston**

**Gross Hegeman Hohulin Howerton Lograsso**

**Loudon Marble Mays 50 Monaco Murphy**

**O'Toole Ostmann Reinhart Reynolds Ridgeway**

**Scheve Schilling Scott Sheldon 104 Shelton 57**

**Smith Steen Summers Wannenmacher**

**PRESENT: 000**

**ABSENT WITH LEAVE: 016**

**Akin Ballard Champion Copeland Daniel 42**

**Froelker Goward Gunn Hall Hand**

**Hosmer Kelley 47 Linton Nordwald Stoll**

**Troupe**

**VACANCY: 001**

**Representative Pryor offered House Amendment No. 8.**

***House Amendment No. 8***

**AMEND House Committee Substitute for House Bill No. 3, Page 1, In the Title, Line 2, by inserting immediately after the word "sections," the figures "67.1170, 67.1177,"; and**

**Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "ten"; and**

**Further amend said bill, Page 1, Section A, Line 1, by inserting immediately after the word "Sections," the figures "67.1170, 67.1177,"; and**

**Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "ten"; and**

**Further amend said bill, Page 1, Section A, Line 3, by inserting immediately after the word "sections," the figures "67.1170, 67.1177,"; and**

**Further amend said bill, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:**

**"67.1170. 1. The governing body of any county [with a population of at least fifteen thousand inhabitants] which borders on or which contains part of a lake [constructed with private moneys,] with not less than one [thousand] hundred miles of shoreline, may establish a lake area business district in the manner provided in this section and, upon establishment, each such district shall be a body corporate and politic and a political subdivision of the state. If such lake area business district is established, it shall consist of the area in that county which is within five miles, more or less, the determination being if the major portion of a voting precinct lies within the five-mile distance of such a lake.**

**2. Upon petition by fifty or more owners of real property located within five miles of the lake described in subsection 1 of this section, the governing body of the county shall adopt a resolution of intention to establish a lake area business district. The resolution shall contain the following information:**

**(1) Description of the boundaries of the proposed area;**

**(2) The time and place of a hearing to be held by the governing body considering establishment of the district; and**

**(3) The proposed uses to which the additional revenue shall be put and the proposed tax rate to be voted on by residents of the district pursuant to section 67.1177.**

**3. Whenever a hearing is held as provided in this section, the governing body of the county shall:**

**(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in the county not more than fifteen days nor less than ten days before the hearing;**

**(2) Hear all protests and receive evidence for or against the establishment of the proposed district;**

**(3) Rule upon all protests, which determinations shall be final.**

**4. If the governing body following the hearing decides to establish the proposed district, it shall adopt an order to that effect. The order shall contain the following:**

**(1) The description of the boundaries of the district;**

**(2) A statement that a lake area business district has been established;**

**(3) The uses to which any additional revenue generated by a tax levied pursuant to section 67.1177 shall be put; and**

**(4) The creation of an advisory board and enumeration of its duties and responsibilities, as provided by section 67.1175.**

**67.1177. 1. The board, by a majority vote, may submit to the residents of such district a tax of not less than two percent and not more than six percent on the amount of sales or charges for all sleeping rooms offered to the public and paid by the transient guests of hotels, motels and resorts situated within the district. Upon the written request of the board to the election officials of the county in which the district is situated, such election officials shall submit a proposition to the residents of such district at a countywide or statewide primary or general election, or at a special election called for that purpose. Such election officials shall give legal notice as provided in chapter 115, RSMo. As used in this section, the term "hotels, motels and resorts" includes any condominium offered to the public which is rented to a person or entity for a period of less than thirty-one days, any privately owned campground offered to the public which rents space to persons or entities for a period of less than thirty-one days, and also includes any rental of a houseboat originating from a point within the district and which is offered to the public. The term "hotels, motels and resorts" shall not include any facilities operated by a recognized church and its affiliates for the purpose of providing religious education and recreation to the church's members. As used in this section, the term "transient guest" means a person who occupies a room or rooms in a hotel, motel or resort for thirty-one days or less during any calendar quarter.**

**2. Such proposition shall be submitted to the voters of the business district in substantially the following form at such election:**

**Shall a lodging tax of ..... percent on the amount of sales or charges for all lodging paid by the transient guests of hotels, motels and resorts be levied in the lake area business district of the county of ..... to provide funds for the promotion of tourism in the district?**

**[ ] YES [ ] NO**

**3. In the event that a majority of the voters voting on such proposition in such district approve such proposition, then such tax shall be in full force and effect as of the first day of the calendar quarter following the calendar quarter in which the election was held. The results of an election held under this section shall be certified by the election officials of the county to the board not more than thirty days after the day on which such election was held. The district shall be liable for its share of the costs of the election pursuant to section 115.065, RSMo.**

**4. In the event a tax is imposed under this section, such tax shall be in addition to any countywide gross receipts tax on hotels, motels or resorts in effect at the time of the election or imposed after the date of the election. If a tax is imposed under the provisions of this section, the county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.**

**5. The revenues received from the tax authorized in this section shall be used by the advisory board for advertising and promotion of tourism. Such advertising and promotional activities shall be developed into a comprehensive marketing plan, so as to meet the needs of all sizes and types of businesses within the lodging industry. The board members of each lodging category, as described in subsection 1 of section 67.1175, shall have sole authority for the expenditure of funds collected from that category, and tourism related projects that may be identified as beneficial to any of the three lodging categories established in subsection 1 of section 67.1175 shall be eligible for funding, based on the proportionate share of revenues collected from that category. This shall include, but not be limited to, attending sports and travel shows, printing a vacation guide, soliciting convention business, constructing or purchasing convention facilities and visitor centers, and securing commercial air service into the area, which may include the subsidizing of airline seats. Moneys may also be expended by the board to contract with other entities to assist in bringing tourists to the district.**

**6. On and after the effective date of any tax authorized under the provisions of this section, the advisory board shall enter into an agreement with the county collector of the county where the district is situated for the purpose of collecting the tax. The tax to be collected by the county collector shall be remitted to the advisory board of the district not later than thirty days following the end of any calendar quarter. The county commission shall adopt rules and regulations for the collection and administration of the tax. The county collector shall retain on behalf of the county two percent for cost of collection.".**

**On motion of Representative Pryor, House Amendment No. 8 was adopted.**

**Representative Elliott offered House Amendment No. 9.**

***House Amendment No. 9***

**AMEND House Committee Substitute for House Bill No. 3, Page 3, Section 3, Line 41, by inserting after said line the following:**

**(10) truck pulls, pool tournaments, bowling tournaments, fishing tournaments, demolition derby's, gospel singings (non-church related), cock fights, UFO viewings, the Fall black helicopter tour, and Ride the Ducks.**

**Further amend said bill, Page 3, Line 42, by deleting "(10)" and by inserting in place thereof "(11)".**

**Representative Elliott moved that House Amendment No. 9 be adopted.**

**Which motion was defeated.**

**Representative Graham (24) offered House Amendment No. 10.**

*House Amendment No. 10*

**AMEND House Committee Substitute for House Bill No. 3, Page 1, Section 94.800, Line 1, by inserting after the number "94.800." the number "1."; and**

**Further amend said bill, Page 1, Section 94.800, Line 7, by inserting after all of said line the following:**

**"2. Any tax imposed pursuant to sections 94.802 and 94.805 shall terminate on December 31, 2000.".**

**Representative Graham (24) moved that House Amendment No. 10 be adopted.**

**Which motion was defeated by the following vote:**

**AYES: 045**

**Backer Barry 100 Bland Bonner Boucher**

**Bray 84 Campbell Cierpiot Clayton Days**

**Edwards-Pavia Fitzwater Foley Ford Graham 24**

**Green Gross Hagan-Harrell Harlan Hickey**

**Hilgemann Hollingsworth Hoppe Kelly 27 Kennedy**

**Koller Lograsso McLuckie Murray O'Connor**

**O'Toole Reynolds Ridgeway Rizzo Schilling**

**Shear Shelton 57 Summers Thomason 163 Treadway**

**Van Zandt Wiggins Williams 121 Williams 159 Wilson**

**NOES: 095**

**Alter Auer Barnett 4 Bartelsmeyer Bauer**

**Bennett 15 Berkstresser Boatright Broach Burton**

**Carter Chrismer Cooper Crawford Crump**

**Daniels 41 Davis 122 DeMarce Dolan Donovan**

**Dougherty Elliott Enz Evans Farnen**

**Foster Franklin Fritts Froelker Gaskill**

**Gaston Gibbons Graham 106 Gratz Griesheimer**

**Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson**

**Hohulin Holand Howerton Johnson Kasten**

**Kauffman Kissell Kreider Lakin Lawson**

**Legan Levin Liese Loudon Marble**

**May 108 Mays 50 McBride McClelland Merideth**

**Miller Monaco Murphy Naeger Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Ransdall Reinhart Relford Richardson**

**Robirds Ross Sallee Schwab Scott**

**Secrest Seigfreid Sheldon 104 Shields Skaggs**

**Steen Stokan Stroker Surface Thompson 37**

**Thompson 72 Townley Vogel Wooten Mr. Speaker**

**PRESENT: 000**

**ABSENT WITH LEAVE: 022**

**Akin Ballard Champion Copeland Daniel 42**

**Davis 63 Goward Gunn Hall Hand**

**Hosmer Kelley 47 Leake Linton Long**

**Luetkenhaus Nordwald Scheve Smith Stoll**

**Troupe Wannenmacher**

**VACANCY: 001**

**Representative Crawford offered House Amendment No. 11.**

**House Amendment No. 11 was withdrawn.**

**Representative Purgason offered House Amendment No. 11.**

**House Amendment No. 11 was withdrawn.**

**On motion of Representative Kreider, HCS HB 3, as amended, was adopted.**

**On motion of Representative Kreider, HCS HB 3, as amended, was ordered perfected and printed by the following vote:**

**AYES: 121**

**Alter Auer Backer Barnett 4 Barry 100**

**Bartelsmeyer Bauer Bennett 15 Berkstresser Bland**

**Boatright Boucher Broach Burton Campbell**

**Chrismer Clayton Cooper Crawford Crump**

**Daniels 41 Davis 122 DeMarce Dolan Donovan**

**Dougherty Elliott Enz Evans Farnen**

**Foster Franklin Fritts Froelker Gaskill**

**Gaston Gibbons Graham 24 Graham 106 Gratz**

**Griesheimer Gross Hagan-Harrell Harlan Hartzler 123**

**Hartzler 124 Heckemeyer Hegeman Hendrickson Hilgemann**

**Hohulin Holand Howerton Johnson Kasten**

**Kauffman Kelly 27 Kennedy Kissell Kreider**

**Lakin Lawson Leake Legan Levin**

**Liese Long Loudon Marble May 108**

**Mays 50 McBride McClelland Merideth Miller**

**Monaco Murphy Murray Naeger O'Toole**

**Ostmann Overschmidt Parker Patek Pouche**

**Pryor Purgason Ransdall Reinhart Relford**

**Richardson Ridgeway Rizzo Robirds Ross**

**Sallee Schwab Scott Secrest Seigfreid**

**Shear Sheldon 104 Shelton 57 Shields Skaggs**

**Smith Steen Stokan Stroker Summers**

**Surface Thompson 37 Townley Treadway Vogel**

**Wannenmacher Williams 121 Williams 159 Wilson Wooten**

**Mr. Speaker**

**NOES: 019**

**Bonner Bray 84 Carter Cierpiot Days**

**Edwards-Pavia Foley Ford Green Hickey**

**Koller Lograsso O'Connor Reynolds Scheve**

**Schilling Thompson 72 Van Zandt Wiggins**

**PRESENT: 004**

**Fitzwater Hollingsworth McLuckie Thomason 163**

**ABSENT WITH LEAVE: 018**

**Akin Ballard Champion Copeland Daniel 42**

**Davis 63 Goward Gunn Hall Hand**

**Hoppe Hosmer Kelley 47 Linton Luetkenhaus**

**Nordwald Stoll Troupe**

**VACANCY: 001**

**HCS HB 4, relating to elections for tourism sales tax, was taken up by Representative Kreider.**

**Representative Long offered House Amendment No. 1.**

***House Amendment No. 1***

**AMEND House Committee Substitute for House Bill No. 4, Page 3, Section 115.125, Line 67, by adding after the**

**word "transmission." the following: "The provisions of this act shall terminate Dec. 31, 1997."**

**On motion of Representative Long, House Amendment No. 1 was adopted.**

**On motion of Representative Kreider, HCS HB 4, as amended, was adopted.**

**On motion of Representative Kreider, HCS HB 4, as amended, was ordered perfected and printed.**

**REFERRAL OF HOUSE RESOLUTION**

**The following House Resolution was referred to the Committee indicated:**

**HR 5 - Critical Issues**

**COMMITTEE CHANGE**

**The Speaker submitted the following Committee change.**

**Representative Relford has been appointed a member of the Commerce Committee.**

**SPECIAL SESSION BUDGET COMMITTEE**

**Franklin, Dick (Chairman)**

**Williams, Deleta (Vice Chairman)**

**Bray, Joan**

**Burton, Gary**

**Carter, Paula**

**Chrismer, Rich**

**Cooper, Bonnie Sue**

**Donovan, Laurie**

**Ford, Louis**

**Graham, Jim**

**Green, Timothy**

**Gunn, Russell**

**Harlan, Timothy**

**Hegeman, Daniel**

**Kasten, Mary**

**Kauffman, Sandra**

**Kelley, Pat**

**Lakin, Scott**

**Leake, Sam**

**Legan, Kenneth**

**Linton, William**

**McClelland, Emmy**

**McLuckie, Steve**

**Rizzo, Henry**

**Scheve, May**

**Schilling, Mike**

**Shear, Sue**

**Shelton, O. L.**

**Shields, Charles**

**Thompson, Vernon**

**Troupe, Quincy**

**Van Zandt, Tim**

**Vogel, Carl**

**Wannenmacher, Philip**

**Wooten, Chuck**

**The following members' presence were noted: Stoll and Copeland.**

**ADJOURNMENT**

**On motion of Representative Backer, the House adjourned until 9:30 a.m., Wednesday, September 10, 1997.**

## CORRECTIONS TO THE HOUSE JOURNAL

**Correct House Journal, First Day, Monday, September 8, 1997, pages 7 and 8, roll call, by showing Representative Akin voting "aye" rather than "absent with leave".**

**Pages 8 and 9, roll call, by showing Representatives Barry (100) and O'Connor voting "aye" rather than "absent with leave".**

**Page 10, roll call, by showing Representative Barry (100) voting "aye" rather than "absent with leave".**

## COMMITTEE MEETINGS

### COMMERCE

**Thursday, September 11, 1997, 8:00 am. Hearing Room 9. Economic**

**development issues. Pending referral of SB 1. Executive session may follow.**

### CRITICAL ISSUES

**Wednesday, September 10, 1997, 8:30 am. Hearing Room 9.**

**Executive session will follow. AMENDED NOTICE**

**To be considered - HR 5**

## HOUSE CALENDAR

### THIRD DAY, WEDNESDAY, SEPTEMBER 10, 1997

### HOUSE BILLS FOR THIRD READING

**HB 1 - Leake**

**HCS HB 2, E.C. - Gratz**

**HCS HB 3, E.C. - Kreider**

**HCS HB 4, E.C. - Kreider**

Return to the Missouri House of Representatives

# House Journal

## Second Extraordinary Session, 89th General Assembly

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THIRD DAY, Wednesday, September 10, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

"O God of forgiveness, as the work of this House continues this week, may these Representatives sense your presence in a profound way. Each heart here feels the need of reassurance and affirmation in stands taken on difficult issues. When the needs and welfare of people are at stake, let each one here consider prayerfully what their conscience leads them to do.

Even as our world faces daily the struggle of war, hatred, greed and divisiveness, lend to these proceedings your guidance so that loving choices might be made.

In all things, O Lord, let us consider the real people whose lives our decisions affect and let us act with love and compassion for all your people, young and old, male and female, of all races, economic status, religious belief or political convictions, hear our prayers, O God, justice and mercy. Amen."

The Pledge of Allegiance to the flag was recited.

The Journal of the second day was approved as corrected.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1, HCS HB 2, HCS HB 3** and **HCS HB 4**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Critical Issues**, Chairman Harlan reporting:

Mr. Speaker: Your Committee on Critical Issues, to which was referred **HR 5**, begs leave to report it has examined the same and recommends that it **Do Not Pass.**

**THIRD READING OF HOUSE BILLS**

**HB 1**, relating to non-profit sewer companies, was taken up by Representative Leake.

On motion of Representative Leake, **HB 1** was read the third time and passed by the following vote:

AYES: 153

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Green

Griesheimer Gross Gunn Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Relford

Reynolds Richardson Ridgeway Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Thomason 163

Thompson 37 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 002

Hohulin Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Ballard Champion Hand Hilgemann Nordwald

Rizzo Thompson 72

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Barry (100), title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Dougherty moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 2**, relating to local sales/use tax, was taken up by Representative Gratz.

On motion of Representative Gratz, **HCS HB 2** was read the third time and passed by the following vote:

AYES: 137

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Bonner Boucher Burton Campbell Carter

Chrismer Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gibbons Goward Graham 24 Graham 106

Gratz Green Griesheimer Gross Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Levin

Liese Long Luetkenhaus May 108 Mays 50

McBride McClelland McLuckie Merideth Miller

Monaco Murray Naeger O'Connor O'Toole

Ostmann Overschmidt Parker Pouche Pryor

Purgason Ransdall Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Thomason 163 Thompson 37

Thompson 72 Townley Treadway Troupe Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 021

Akin Boatright Bray 84 Broach Cierpiot

Edwards-Pavia Elliott Gaston Gunn Hall

Hohulin Howerton Legan Linton Lograsso

Loudon Marble Murphy Patek Reinhart

Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 004

Ballard Champion Hand Nordwald

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 118

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Berkstresser Bonner Boucher

Burton Campbell Carter Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 DeMarce Dolan Donovan

Dougherty Farnen Fitzwater Foley Ford

Foster Franklin Fritts Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Hagan-Harrell Hartzler 123 Heckemeyer Hegeman

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Levin Liese

Long Luetkenhaus May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murray

Naeger O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Ransdall Relford Reynolds

Richardson Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Seigfreid Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Summers Surface

Thomason 163 Thompson 37 Thompson 72 Townley Treadway

Troupe Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wooten Mr. Speaker

NOES: 038

Akin Bennett 15 Bland Boatright Bray 84

Broach Chrismer Cierpiot Days Edwards-Pavia

Elliott Enz Evans Froelker Gaskill

Gaston Gunn Hall Hartzler 124 Hendrickson

Hohulin Howerton Legan Linton Lograsso

Loudon Marble Merideth Murphy Patek

Pryor Purgason Reinhart Ridgeway Shear

Stroker Van Zandt Wilson

PRESENT: 000

ABSENT WITH LEAVE: 006

Ballard Champion Hand Harlan Nordwald

Sheldon 104

VACANCY: 001

On motion of Representative Farnen, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Murray moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 3**, relating to tourism tax, was taken up by Representative Kreider.

On motion of Representative Kreider, **HCS HB 3** was read the third time and passed by the following vote:

AYES: 137

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boatright Boucher Bray 84 Burton Campbell

Carter Chrismer Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Griesheimer Gross Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hilgemann Hohulin Holand Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Levin Liese Long Loudon Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

Merideth Miller Monaco Murphy Murray

Naeger O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Richardson Ridgeway Rizzo

Robirds Ross Sallee Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Thompson 37

Thompson 72 Townley Treadway Troupe Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 017

Akin Bonner Broach Cierpiot Days

Edwards-Pavia Foley Green Gunn Hickey

Linton Lograsso O'Connor Reynolds Scheve

Schilling Van Zandt

PRESENT: 003

Hollingsworth McLuckie Thomason 163

ABSENT WITH LEAVE: 005

Ballard Champion Ford Hand Nordwald

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 135

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Boatright

Bonner Boucher Broach Burton Campbell

Carter Chrismer Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

DeMarce Dolan Donovan Elliott Enz

Evans Farnen Foster Franklin Fritts

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Griesheimer Gross Hagan-Harrell

Hall Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hilgemann Hohulin Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Koller Kreider Lakin Lawson

Leake Legan Levin Liese Long

Loudon Luetkenhaus Marble May 108 Mays 50

McBride McClelland Merideth Miller Monaco

Murphy Murray Naeger Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Relford Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Thompson 37 Thompson 72 Townley

Treadway Troupe Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 019

Akin Bland Bray 84 Cierpiot Clayton

Days Dougherty Edwards-Pavia Foley Froelker

Green Gunn Hickey Linton Lograsso

O'Connor O'Toole Scheve Van Zandt

PRESENT: 003

Fitzwater McLuckie Thomason 163

ABSENT WITH LEAVE: 005

Ballard Champion Ford Hand Nordwald

VACANCY: 001

On motion of Representative Graham (24), title to the bill was agreed to.

Representative Franklin moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 4**, relating to notification of election, was taken up by Representative Kreider.

On motion of Representative Kreider, **HCS HB 4** was read the third time and passed by the following vote:

AYES: 143

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Burton Campbell Carter Chrismer Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Donovan Dougherty Elliott Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Goward Graham 24 Graham 106 Gratz Griesheimer

Gross Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hilgemann

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murphy Murray Naeger O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Ransdall Reinhart Relford Richardson Ridgeway

Rizzo Robirds Ross Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Thomason 163 Thompson 72 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 009

Bonner Cierpiot Edwards-Pavia Green Gunn

Hickey O'Connor Reynolds Scheve

PRESENT: 000

ABSENT WITH LEAVE: 010

Ballard Champion Dolan Ford Hand

Nordwald Purgason Sallee Thompson 37 Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 136

Akin Auer Barnett 4 Bartelsmeyer Bauer

Bennett 15 Berkstresser Bland Boatright Boucher

Bray 84 Broach Burton Campbell Carter

Chrismer Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Elliott Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Gaskill

Gaston Gibbons Goward Graham 24 Graham 106

Gratz Griesheimer Gross Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Long Luetkenhaus

Marble May 108 Mays 50 McBride McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Robirds

Ross Schilling Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Surface Thomason 163 Thompson 37 Thompson 72

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 011

Bonner Cierpiot Edwards-Pavia Froelker Green

Gunn Hickey O'Connor O'Toole Ridgeway

Scheve

PRESENT: 000

ABSENT WITH LEAVE: 015

Alter Backer Ballard Barry 100 Champion

Ford Hand Linton Lograsso Loudon

Nordwald Rizzo Sallee Shear Troupe

VACANCY: 001

On motion of Representative Copeland, title to the bill was agreed to.

Representative Overschmidt moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

On motion of Representative Backer, the House recessed until 12:45 p.m.

The hour of recess having expired, the House was called to order by Representative Backer.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 3**, entitled:

An act to amend chapter 393, RSMo, by adding thereto nineteen new sections to authorize the creation of certain nonprofit sewer corporations and enhance economic development.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1**, entitled:

An act to repeal sections 99.805, 99.810, 99.820, 99.825, 99.830, 99.835, 99.845, 99.865, 100.255, 100.264, 100.275, 100.297, 135.208, 143.805, 178.896, 620.1069, 620.1072, 620.1075 and 620.1078, RSMo 1994, and sections 100.296,

100.760, 100.840, 135.100, 135.200, 135.225, 135.230, 135.247, 135.400, 135.403, 135.405, 135.460, 135.500, 135.503, 135.508, 135.516, 143.451, 178.895, 447.710 and 620.1039, RSMo Supp. 1996, relating to programs coordinated or administered by the department of economic development, and to enact in lieu thereof sixty-three new sections relating to the same subject, with an effective date for certain sections and with a termination date for a certain section.

In which the concurrence of the House is respectfully requested.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 10:00 a.m., Thursday, September 11, 1997.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, First Day, Monday, September 8, 1997, page 3, roll call, by showing Representative Miller voting "present" rather than "absent with leave".

Correct House Journal, Second Day, Tuesday, September 9, 1997, page 2, roll call, by showing Representatives Campbell and Davis (63) voting "aye" rather than "absent with leave".

Page 3, roll call, by showing Representatives Days and Robirds voting "aye" rather than "absent with leave".

Pages 4 and 5, roll call, by showing Representatives Mays (50) and Naeger voting "aye" rather than "absent with leave".

Pages 4 and 5, roll call, by showing Representative Murphy voting "no" rather than "absent with leave".

Pages 5 and 6, roll call, by showing Representatives Howerton, Luetkenhaus and Williams (159) voting "aye" rather than "absent with leave".

Page 11, roll call, by showing Representative Akin voting "aye" rather than "no".

Pages 15 and 16, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".

Pages 15 and 16, roll call, by showing Representative Akin voting "no" rather than "absent with leave".

Page 19, roll call, by showing Representatives Akin, Davis (63), Long, Luetkenhaus and Wannenmacher voting "no" rather than "absent with leave".

Page 20, roll call, by showing Representatives Akin, Davis (63) and Luetkenhaus voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

COMMERCE

Thursday, September 11, 1997, 8:00 am. Hearing Room 9. Economic development issues. Pending referral of SB 1. Executive session may follow.

UTILITIES REGULATION

Thursday, September 11, 1997, 9:00 am. Hearing Room 5. Amended Notice.

To be considered - SB 3

COMMERCE

AMENDED--Thursday, September 11, 1997, 10:00 am. Hearing Room 9. Economic development issues. Pending referral of SB 1. Executive session may follow.

BUDGET--FISCAL

Thursday, September 11, 1997, 10:45 am. Hearing Room 9.

To be considered - HCS SB 1. Executive session may follow.

**HOUSE CALENDAR**

FOURTH DAY, THURSDAY, SEPTEMBER 11, 1997

**SENATE BILLS FOR SECOND READING**

SB 1 and SB 3

 Return to the Missouri House of Representatives

# House Journal

## Second Extraordinary Session, 89th General Assembly

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FOURTH DAY, Thursday, September 11, 1997

Representative Franklin in the Chair.

**SECOND READING OF SENATE BILLS**

**SB 1** and **SB 3** were read the second time.

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SB 1** - Commerce

**SB 3** - Utilities Regulation

**MESSAGE FROM THE GOVERNOR**

The following message was received from His Excellency, Governor Mel Carnahan.

**THIRD SPECIAL MESSAGE AMENDED**

WHEREAS, by my Proclamation dated August 25, 1997 I convened the Eighty-ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, on September 8, 1997, by my Special Messages I expanded the matters specifically designated in said Proclamation; and

WHEREAS, the Speaker Pro Tem, Senator William P. McKenna, has requested that I expand the previously issued Proclamation and Special Messages in order to allow the General Assembly to consider legislation to prohibit "partial birth abortion"; and

WHEREAS, it has come to my attention that additional extraordinary matters need to be considered during this second extra session; and

WHEREAS, certain of those matters are related to the rulemaking authority of state agencies; and

WHEREAS, there currently exists an ambiguity in the election laws related to the entity responsible for writing the fiscal note and ballot summary for certain ballot measures; and

WHEREAS, there is a need to study the status of professional sports leagues and franchises in the state of Missouri and the impact on their economic development of the state of Missouri.

NOW THEREFORE, I, MEL CARNAHAN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do hereby amend the matters specifically designated in said Special Messages for consideration by the General Assembly to add to those matters already specifically designated in said Special Messages the additional specifically designated matters:

Consideration of legislation to prohibit "partial-birth abortion" except to preserve the

woman's life or when the health of the woman is seriously threatened.

Consideration of legislation related to the rulemaking authority of state agencies.

Consideration of legislation that would remedy the current ambiguity in the election laws

related to the entity responsible for writing the fiscal note and ballot summary for certain

ballot measures.

To include under section B of the previous Special Message the following: The

establishment of one or more sports authorities to study and review any and all

current major sports leagues, clubs or franchises operating in the State of Missouri

and the analysis of possibilities for future growth and expansion of existing and new

major sports leagues, clubs or franchises:

All other specifically designated matters contained in the Special Messages dated September 8, 1997 shall remain the same.

IN WITNESS WHEREOF, I have

hereunto set my hand and caused to
be affixed the Great Seal of the State
of Missouri, in the City of Jefferson,
on this 10th day of September, 1997.

/s/ Mel Carnahan
Governor

ATTEST:

/s/ Rebecca McDowell Cook
SECRETARY OF STATE

On motion of Representative Franklin, the House recessed until 3:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

The Journal of the third day was approved as corrected by the following vote:

AYES: 143

Akin Alter Backer Ballard Barnett 4
Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser
Bland Boatright Bonner Boucher Bray 84
Broach Burton Campbell Carter Champion
Chrismer Cierpiot Clayton Cooper Copeland
Crawford Crump Daniel 42 Daniels 41 Davis 63
Davis 122 Days DeMarce Dolan Donovan
Dougherty Edwards-Pavia Enz Evans Farnen
Fitzwater Ford Foster Franklin Fritts

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hohulin Holand Hollingsworth Hoppe Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Marble Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

O'Connor Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Thomason 163 Thompson 37 Thompson 72 Townley Treadway

Troupe Van Zandt Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Gross

PRESENT: 000

ABSENT WITH LEAVE: 018

Auer Elliott Foley Froelker Goward

Green Gunn Hand Hickey Hilgemann

Luetkenhaus May 108 McBride Nordwald O'Toole

Surface Vogel Wannenmacher

VACANCY: 001

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 7**, entitled:

An act to repeal sections 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 287.650, 361.105, 374.045, 454.400, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1996, and section 32.125, as both versions of such section appear in RSMo Supp. 1996, relating to rulemaking, and to enact in lieu thereof twenty-five new sections relating to the same subject, with an emergency clause for certain sections.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

**COMMITTEE REPORTS**

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SB 1**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass.**

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **SB 3**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND Senate Bill No. 3, Page 1, Section A, Line 5, by striking the following: "393.863"; and inserting in lieu thereof the following: "1"; and

Further amend said bill and page, section 393.825, line 2 by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 5 by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 7 by striking the following "393.863" and inserting

in lieu thereof the following: "**393.861 and 1**"; and further amend line 10 by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill and section, page 2, line 22, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 2, section 398.827, line 4, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 5, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 12, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 22, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill and section, page 3, line 27, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 51, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 56, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 57, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 6, section 393.831, line 15, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 6, section 393.831, line 23, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 6, section 393.835, line 4, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 8, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 7, section 393.837, line 4, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 7, section 393.839, line 21, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 8, section 393.843, line 5, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 9, section 393.843, line 31, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 32, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 12, section 393.855, line 54, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 13, section 393.855, line 59, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 13, section 393.855, line 71, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 13, section 393.857, line 1, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 5, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and further amend line 9, by striking the following "393.863" and inserting in lieu thereof the following: "**393.861 and 1**"; and

Further amend said bill, page 14, section 393.863, line 1, by striking the following: "393.863" and inserting in lieu thereof the following: "**Section 1**"; and

Further amend said bill, page 14, section 393.863, lines 32-33, by striking all of said lines and inserting in lieu thereof the following: "**within the designated region or watershed without an approved regional or watershed plan, except those already existing persons or entities operating a wastewater collection or treatment facility within the designated region or watershed when the plan was approved.**".

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**HCS SB 1** - Budget (Fiscal Note)

**INTRODUCTION OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was read the first time and 1,000 copies ordered printed:

**HJR 1**, introduced by Representatives Smith, Kelly (27), and Lograsso, relating to administrative rules and regulations.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 9:00 a.m., Friday, September 12, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Third Day, Wednesday, September 10, 1997, pages 36 and 37, roll call, by showing Representatives Hilgemann and Thompson (72) voting "aye" rather than "absent with leave".

Pages 41 and 42, roll call, by showing Representative Purgason voting "aye" rather than "present".

Page 42, roll call, by showing Representatives Barry (100) and Loudon voting "aye" rather than "absent with leave".

**COMMITTEE MEETINGS**

BUDGET

Friday, September 12, 1997, 8:30 am. Hearing Room 9. HCS SB 1 fiscal note.

Executive session to follow.

**HOUSE CALENDAR**

FIFTH DAY, FRIDAY, SEPTEMBER 12, 1997

**SENATE BILL FOR THIRD READING**

HCS SB 1, (Budget Fiscal 9-11-97) - Rizzo

 Return to the Missouri House of Representatives

# House Journal

## second extraordinary Session, 89th General Assembly

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FIFTH DAY, Friday, September 12, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"Where your treasure is, there will your heart be also." (Lk. 12:34)

I spotted this T shirt message last week "Unless you practice, you have no right to the dream." That challenging message can apply to our lives, to our work here, to the nation, to our religious communities.

Too often, Eternal Father, we forget that we are locked in time, one day at a time, and we need patience with ourselves, and with others until we get it right. Some of the cynicism about politics and about organized religion, and about our other institutions is from our not understanding that the practice is not over, and the dream is coming.

Press us forward, with your gentle but persistent prodding, gracious God, with more and better practice, but give us that patient understanding with ourselves and others who are still working at it. When the underbelly of our personal and institutional lives may be ugly at times, inspire us to suit up and get out there to practice, focusing our eyes, and lifting our hearts, up to the dream, the ideal that is set before us. Amen."

The Pledge of Allegiance to the flag was recited.

The Journal of the fourth day was approved as corrected.

**COMMITTEE REPORT**

**Committee on Budget**, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HCS SB 1 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

**SUPPLEMENTAL CALENDAR**

FIFTH DAY, FRIDAY, SEPTEMBER 12, 1997

**SENATE BILL FOR THIRD READING**

SB 3, HCA 1 - Leake

**THIRD READING OF SENATE BILLS**

**SB 3, with House Committee Amendment No. 1,** relating to sewer corporations, was taken up by Representative Leake.

On motion of Representative Leake, House Committee Amendment No. 1 was adopted.

On motion of Representative Leake, **SB 3, as amended,** was read the third time and passed by the following vote:

AYES: 149

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Edwards-Pavia Enz Evans Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Green Griesheimer Gross

Gunn Hagan-Harrell Hall Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hosmer Howerton

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Levin Liese

Linton Lograsso Long Loudon Luetkenhaus

Marble May 108 Mays 50 McClelland Merideth

Miller Monaco Murphy Murray O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Schwab

Scott Secrest Seigfreid Shear Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stokan Stoll Stroker Summers Surface

Thomason 163 Thompson 72 Townley Treadway Troupe

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 012

Bonner Elliott Ford Goward Hand

Hoppe McBride McLuckie Naeger Nordwald

Relford Thompson 37

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Clayton, title to the bill was agreed to.

Representative Fritts moved that the vote by which the bill passed be reconsidered.

Representative Fitzwater moved that motion lay on the table.

The latter motion prevailed.

**HCS SB 1**, relating to economic development, was taken up by Representative Rizzo.

Representative Rizzo offered House Amendment No. 1.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 1, Page 23, Section 99.845, Lines 209 through 218, by deleting all of said lines and inserting in lieu thereof the following:

"**13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4. to 12. of this section shall be paid from the state's general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10. of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.**"

On motion of Representative Rizzo, House Amendment No. 1 was adopted.

Representative Rizzo offered House Amendment No. 2.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Bill No. 1, Page 50, Section 135.460, Subsection 9, Lines 63-64 of said subsection, by deleting the following: "**in computing Missouri's tax liability".**

On motion of Representative Rizzo, House Amendment No. 2 was adopted.

Representative Gross offered House Amendment No. 3.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Bill No. 1, Page 7, Section 99.805, Line 41, by inserting immediately after "redevelopment" the following: "**will not be used for development of commercial businesses which compete solely in the local economy and**".

Representative Scheve assumed the Chair.

Representative Bennett offered House Amendment No. 1 to House Amendment No. 3.

*House Amendment No. 1*

*to*

*House Amendment No. 3*

AMEND House Amendment No. 3 to Senate Bill No. 1, Page 1, Line 2, by deleting the word "commercial" and inserting in lieu thereof the word "retail"

Representative Bennett moved that House Amendment No. 1 to House Amendment No. 3 be adopted.

Which motion was defeated.

Representative Gross moved that House Amendment No. 3 be adopted.

Which motion was defeated by the following vote:

AYES: 058

Akin Alter Backer Ballard Barnett 4

Bennett 15 Boatright Broach Burton Champion

Chrismer Cierpiot Crawford Days Dolan

Edwards-Pavia Enz Evans Foster Froelker

Gaskill Gaston Gibbons Gross Gunn

Hegeman Hendrickson Hohulin Howerton Kasten

Kissell Legan Levin Linton Long

Loudon Luetkenhaus Marble Miller Murphy

Naeger Ostmann Patek Pryor Purgason

Reinhart Richardson Ridgeway Schwab Scott

Secrest Steen Stokan Summers Surface

Townley Troupe Williams 159

NOES: 093

Auer Barry 100 Bartelsmeyer Bauer Berkstresser

Boucher Campbell Carter Clayton Cooper

Copeland Crump Daniel 42 Daniels 41 Davis 63

Davis 122 DeMarce Donovan Dougherty Farnen

Fitzwater Foley Ford Franklin Fritts

Graham 24 Graham 106 Gratz Green Griesheimer

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hickey Hilgemann Holand Hollingsworth Hoppe

Hosmer Johnson Kauffman Kelley 47 Kelly 27

Kennedy Koller Kreider Lakin Lawson

Leake Liese Lograsso May 108 Mays 50

McClelland McLuckie Merideth Monaco Murray

O'Connor O'Toole Overschmidt Parker Pouche

Ransdall Reynolds Rizzo Robirds Ross

Sallee Scheve Schilling Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Stoll Stroker Thomason 163 Thompson 37 Thompson 72

Treadway Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Wilson Wooten

PRESENT: 000

ABSENT WITH LEAVE: 011

Bland Bonner Bray 84 Elliott Goward

Hall Hand McBride Nordwald Relford

Mr. Speaker

VACANCY: 001

Representative Rizzo offered House Amendment No. 4.

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Bill No. 1, Page 4, Section 32.111, Line 6 of said section, by deleting the words "**participation in**" and inserting in lieu thereof the word "**of**".

On motion of Representative Rizzo, House Amendment No. 4 was adopted.

Speaker Gaw resumed the Chair.

Representative Rizzo offered House Amendment No. 5.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Bill No. 1, Page 57, section 143.451., line 45, by adding the numeral "80" immediately following the word "section", and

Further amend said bill, Page 58, Section 143.451., Lines 54 and 76, by adding the numeral "80" immediately following the word "section" respectively on each of those lines, and

Further amend said bill, Page 58, Section 143.451., Lines 57 and 67, by adding the following: ", as amended from time to time," immediately after "1940" respectively on each of those lines, and

Further amend said bill, Page 58, Section 143.451., Line 56, by deleting the word "Federal" and inserting in lieu thereof the word "federal".

On motion of Representative Rizzo, House Amendment No. 5 was adopted.

Representative Rizzo offered House Amendment No. 6.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Bill No. 1, Page 57, Section 143.451, Line 45, by adding the numeral "80" immediately following the word "section", and

Further amend said bill, Page 58, Section 143.451., Lines 54 and 76, by adding the numeral "80" immediately following the word "section" respectively each of those lines, and

Further amend said bill, Page 58, Section 143.451., Lines 57 and 67, by adding the following: ", as amended from time to time," immediately after "1940" respectively on each of those lines, and

Further amend said bill, Page 58, Section 143.451., Line 56, by deleting the word "Federal" and inserting in lieu thereof the word "federal".

On motion of Representative Rizzo, House Amendment No. 6 was adopted.

Representative Scheve offered House Amendment No. 7.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Bill No. 1., Page 54, Section 135.508, Line 10 by inserting after the word "company" the following: "**which receives tax credits permitted under sections 135.500 to 135.529 for an investment in a Missouri certified capital company**".

On motion of Representative Scheve, House Amendment No. 7 was adopted.

Representative Backer offered House Amendment No. 8.

House Amendment No. 8 was withdrawn.

Representative Lograsso offered House Amendment No. 8.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Bill No. 1, Page 50, Section 135.460, Line 41 and 42, by deleting all of the new language on said lines; and

Further amend said bill on Page 79, Section 15, Line 16, by deleting the words "selected by the governor"

On motion of Representative Lograsso, House Amendment No. 8 was adopted.

Representative Graham (24) offered House Amendment No. 9.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Bill No. 1, Page 80, Section 17, Line 16, by inserting after said line the following:

"**Section 18. By July 1, 1998, the general assembly shall appropriate from the general revenue fund an amount not less than one hundred thousand dollars and not more than one hundred fifty thousand dollars to any county regional sewer district located in any county of the first classification with a population of at least one hundred thousand inhabitants but not more than one hundred fifty thousand inhabitants for the sole purpose of planning and construction of a wastewater treatment facility.**"; and

Further amend said bill by amending the title and enacting clause accordingly.

Representative Graham (24) moved that House Amendment No. 9 be adopted.

Which motion was defeated by the following vote:

AYES: 047

Auer Backer Barry 100 Bauer Bland

Boucher Clayton Crump Daniel 42 Davis 63

Davis 122 DeMarce Dougherty Fitzwater Foley

Ford Graham 24 Gratz Green Gunn

Harlan Hickey Hilgemann Hoppe Kennedy

Kissell Liese May 108 Monaco Murray

O'Connor Overschmidt Parker Ransdall Reynolds

Rizzo Scheve Seigfreid Shear Shelton 57

Skaggs Stokan Stroker Treadway Troupe

Wilson Mr. Speaker

NOES: 101

Akin Alter Ballard Barnett 4 Bartelsmeyer

Bennett 15 Berkstresser Boatright Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Cooper Copeland Crawford Daniels 41

Days Dolan Donovan Edwards-Pavia Enz

Evans Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hohulin Holand Hollingsworth

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Koller Kreider Lakin

Lawson Legan Levin Linton Lograsso

Loudon Luetkenhaus Marble Mays 50 McClelland

McLuckie Merideth Miller Murphy Naeger

O'Toole Ostmann Patek Pouche Pryor

Purgason Reinhart Richardson Ridgeway Robirds

Ross Sallee Schilling Schwab Scott

Secrest Sheldon 104 Shields Smith Steen

Stoll Summers Surface Thomason 163 Thompson 72

Townley Van Zandt Vogel Wannenmacher Williams 159

Wooten

PRESENT: 001

Farnen

ABSENT WITH LEAVE: 013

Bonner Elliott Goward Hall Hand

Leake Long McBride Nordwald Relford

Thompson 37 Wiggins Williams 121

VACANCY: 001

**HCS SB 1, as amended,** was laid over.

On motion of Representative Backer, the House recessed until 11:20 a.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**THIRD READING OF SENATE BILL**

**HCS SB 1, as amended**, relating to economic development, was again taken up by Representative Rizzo.

Representative Rizzo offered House Amendment No. 10.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Bill No. 1, Page 10, Section 99.810, Line 36, by striking the word "and"; and

Further amend said bill, Page 10, Section 99.810, Line 38, by inserting at the end of said line following: "**; and**

**(7) By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which is located in the state of Missouri but not in the district, which relocates to the district. The director of the department of economic development shall compile and report same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year**".

Representative Legan offered House Amendment No. 1 to House Amendment No. 10.

*House Amendment No. 1*

*to*

*House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 1, Page 1, Section 99.810, Line 8, by striking the period and inserting in lieu thereof the following: "or the creation of a district for the expansion of an existing business."

On motion of Representative Legan, House Amendment No. 1 to House Amendment No. 10 was adopted.

Representative Bennett offered House Amendment No. 2 to House Amendment No. 10.

*House Amendment No. 2*

*to*

*House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Bill No. 1, Page 1, Section 7, Line 7, by deleting the words: "**which is located in the state of Missouri but not in the district,**"

On motion of Representative Bennett, House Amendment No. 2 to House Amendment No. 10 was adopted.

On motion of Representative Rizzo, House Amendment No. 10, as amended, was adopted.

Representative Scheve offered House Amendment No. 11.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Bill No. 1, Page 10, Section 99.810, Line 38, by inserting immediately after all said line the following:

"**99.811. Prior to adoption of an ordinance approving a redevelopment project but after the public hearing required under subsection 1 of section 99.825, a municipality which is located in a county of the first class having a population of nine hundred thousand or more shall first obtain the approval, by resolution, of the governing body of the county with respect to the fiscal impact of the redevelopment project. The county shall fix a time and place for a public hearing, notice of which shall be given by publication not more than fifteen days prior to the hearing in a newspaper of general circulation in the area of the proposed redevelopment. The county shall also undertake a cost-benefit analysis, the cost of which shall be defrayed by the municipality, and assess the economic impact of the proposed redevelopment project on the county as a whole, taking into account the effect of the proposed redevelopment project on the other businesses and other municipalities within the county, including, but not limited to, the effect on other tax increment financing districts established within the county. The county shall approve the redevelopment project if it determines that the net fiscal impact of the proposed redevelopment on the county as a whole is not negative.**"; and

Further amend said bill, Page 23, Section 99.865, Line 4, by inserting immediately after "development" the following: "**and, if the municipality is not a county but is located in a county of the first class having a population of nine hundred thousand or more, to the governing body of the county in which the municipality is located**"; and

Further amend the title and enacting clause accordingly.

Representative Legan offered House Amendment No. 1 to House Amendment No. 11.

*House Amendment No. 1*

*to*

*House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 1, Page 1, Section 99.810, Line 4, by inserting an opening bracket following 99.825; and

Further amend said amendment by placing a closing bracket following the word "more" on line 6.

Representative Legan moved that House Amendment No. 1 to House Amendment No. 11 be adopted.

Which motion was defeated.

Representative Griesheimer offered House Amendment No. 2 to House Amendment No. 11.

*House Amendment No. 2*

*to*

*House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 1, Page 1, Section 99.811, Line 4, by adding immediately after the word "located" the word "**wholly**".

On motion of Representative Griesheimer, House Amendment No. 2 to House Amendment No. 11 was adopted.

Representative Murphy offered House Amendment No. 3 to House Amendment No. 11.

*House Amendment No. 3*

*to*

*House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 1, Page 2, Section 99.811, Line 3, by adding the following at the end of said line: "**The provisions of this section shall be effective May 1, 1997**".

Representative Murphy moved that House Amendment No. 3 to House Amendment No. 11 be adopted.

Which motion was defeated.

Representative Legan offered House Amendment No. 4 to House Amendment No. 11.

*House Amendment No. 4*

*to*

*House Amendment No. 11*

AMEND House Amendment No. 11 to House Committee Substitute for Senate Bill No. 1, Page 1, Section 99.810, by placing an opening bracket following 99.825 on said line; and

Further amend said bill, Line 6, by placing a closing bracket following the word "more"; and

Further amend said amendment by inserting in lieu of the following: "in all counties of the state except a county of the 1st class with a charter form of government containing a population of more than 400,000 and less than 750,000".

Representative Legan moved that House Amendment No. 4 to House Amendment No. 11 be adopted.

Which motion was defeated.

Representative Scheve moved that House Amendment No. 11, as amended, be adopted.

Which motion was defeated by the following vote:

AYES: 033

Auer Bland Boucher Bray 84 Carter

Clayton Copeland Crump Daniel 42 Davis 122

Days Farnen Fitzwater Franklin Harlan

Legan Luetkenhaus McLuckie Murphy Overschmidt

Richardson Rizzo Scheve Shear Shelton 57

Smith Thomason 163 Thompson 37 Troupe Van Zandt

Williams 121 Williams 159 Wilson

NOES: 110

Akin Alter Barnett 4 Barry 100 Bartelsmeyer

Bauer Bennett 15 Berkstresser Boatright Broach

Burton Campbell Champion Chrismer Cierpiot

Cooper Crawford Davis 63 DeMarce Dolan

Donovan Dougherty Edwards-Pavia Enz Evans

Foley Ford Foster Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hilgemann Hohulin Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Lakin

Lawson Levin Liese Linton Lograsso

Long Loudon Marble May 108 Mays 50

McClelland Merideth Miller Monaco Murray

O'Connor O'Toole Ostmann Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Reynolds Ridgeway Robirds Ross Sallee

Schilling Schwab Secrest Seigfreid Sheldon 104

Shields Skaggs Stokan Stoll Stroker

Summers Surface Thompson 72 Townley Treadway

Vogel Wannenmacher Wiggins Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 019

Backer Ballard Bonner Daniels 41 Elliott

Goward Hall Hand Holand Hollingsworth

Koller Kreider Leake McBride Naeger

Nordwald Relford Scott Steen

VACANCY: 001

Representative Rizzo offered House Amendment No. 12.

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Bill No. 1, Page 61, Section 143.451, Line 185, by inserting immediately after all of said line, the following:

"**9. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders residenced in this state shall be subject to Missouri income tax as provided in this chapter.**"

Representative Lograsso offered House Amendment No. 1 to House Amendment No. 12.

*House Amendment No. 1*

*to*

*House Amendment No. 12*

AMEND House Amendment No. 12 to House Committee Substitute for Senate Bill No. 1, Page 1, Section 143.451, Line 3, by adding after the word "which" the following: "is organized in Missouri and which".

On motion of Representative Lograsso, House Amendment No. 1 to House Amendment No. 12 was adopted.

On motion of Representative Rizzo, House Amendment No. 12, as amended, was adopted.

Representative Gratz offered House Amendment No. 13.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Bill No. 1, Page 65, Section 253.550, Line 4 of said section by inserting immediately after the figure "**143**" the following: "**and chapter 148,**"; and

Further amend said bill, Page 65, Section 253.550, Line 6 of said section, by deleting "**after the effective date hereof**" and inserting in lieu thereof the following: "**with respect to such eligible property**".

On motion of Representative Gratz, House Amendment No. 13 was adopted.

Representative Bray offered House Amendment No. 14.

*House Amendment No. 14*

AMEND House Committee Substitute for Senate Bill No. 1, Page 19, Section 99.845, Line 54, by inserting after the word "motels," the following: "**taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation**,".

On motion of Representative Bray, House Amendment No. 14 was adopted.

Representative Kissell offered House Amendment No. 15.

*House Amendment No. 15*

AMEND House Committee Substitute for Senate Bill No. 1, by inserting immediately after said line the following:

"**Section 21. The task force on trade and investment within the department of economic development and the state highways and transportation commission, or its designee within the department of transportation, shall identify those airports that are crucial to the overall economic development of the state, and assist those airports to better promote travel, education, trade and commerce as it relates to the economic development of the state. Such airports shall include but not be limited to any privately owned airports designated as reliever airports by the Federal Aviation Administration, any airports owned by an instrumentality of the state, including any state agency which owns or operates an airport as of January 1, 1997, or any state educational institution as defined in section 176.010, RSMo.**

**2. Those airports identified pursuant to subsection 1 of this section shall be eligible to apply for grants from the aviation trust fund, pursuant to the conditions established in section 305.230.**"; and

Further amend said bill by renumbering the remaining sections accordingly; and

Further amend the title and enacting clause accordingly.

On motion of Representative Kissell, House Amendment No. 15 was adopted.

Representative Schilling offered House Amendment No. 16.

*House Amendment No. 16*

AMEND House Committee Substitute for Senate Bill No. 1, Page 79, Section 17, by deleting all of said section.

Representative Schilling moved that House Amendment No. 16 be adopted.

Which motion was defeated.

Representative Wilson offered House Amendment No. 17.

*House Amendment No. 17*

AMEND House Committee Substitute for Senate Bill No. 1, Page 73, Section 3, Line 12, by inserting immediately after the word "**development**" the following: "**corporation**".

On motion of Representative Wilson, House Amendment No. 17 was adopted.

Representative Harlan offered House Amendment No. 18.

*House Amendment No. 18*

AMEND House Committee Substitute for Senate Bill No. 1, Page 80, Section 17, Line 16, by inserting immediately after said line, the following: "**Section 18. 1. Any business entity that offers health insurance benefits to any of its employees and is otherwise eligible to receive a tax benefit pursuant to any provision of chapter 99, 135 or 178, RSMo, shall not receive any such tax benefit unless such business offers the health insurance plan on the same financial terms to all of its full-time employees, and on a prorated basis for its part-time employees.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**"; and

Further amend the title and enacting clause accordingly.

Representative Harlan offered House Amendment No. 1 to House Amendment No. 18.

*House Amendment No. 1*

*to*

*House Amendment No. 18*

AMEND House Amendment No. 18 to House Committee Substitute for Senate Bill No. 1, Section 18, Line 8, by adding after the words "**part-time employees**" the words "**who work 1,000 hours or more per year**".

On motion of Representative Harlan, House Amendment No. 1 to House Amendment No. 18 was adopted.

On motion of Representative Harlan, House Amendment No. 18, as amended, was adopted by the following vote:

AYES: 074

Backer Barry 100 Bauer Bland Boucher

Bray 84 Campbell Carter Clayton Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Donovan Dougherty Farnen Fitzwater

Foley Ford Franklin Fritts Graham 24

Gratz Green Gunn Hagan-Harrell Harlan

Heckemeyer Hickey Hilgemann Hollingsworth Hoppe

Hosmer Johnson Kelly 27 Kennedy Kreider

Lakin Lawson Leake Liese Luetkenhaus

May 108 Mays 50 McLuckie Monaco Murphy

Murray O'Connor Overschmidt Parker Reynolds

Rizzo Scheve Schilling Shear Sheldon 104

Shelton 57 Skaggs Smith Stokan Stoll

Stroker Thompson 72 Treadway Troupe Van Zandt

Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 070

Akin Alter Barnett 4 Bartelsmeyer Bennett 15

Berkstresser Boatright Broach Burton Champion

Chrismer Cierpiot Cooper Crawford Dolan

Edwards-Pavia Enz Evans Foster Froelker

Gaskill Gaston Gibbons Graham 106 Griesheimer

Gross Hartzler 123 Hartzler 124 Hegeman Hendrickson

Hohulin Holand Howerton Kasten Kauffman

Kelley 47 Legan Levin Linton Lograsso

Long Loudon McClelland Merideth Miller

Naeger Ostmann Patek Pouche Pryor

Purgason Ransdall Reinhart Richardson Ridgeway

Robirds Ross Sallee Schwab Scott

Secrest Seigfreid Shields Steen Summers

Thomason 163 Townley Vogel Wannenmacher Wooten

PRESENT: 002

Auer Kissell

ABSENT WITH LEAVE: 016

Ballard Bonner Copeland Elliott Goward

Hall Hand Koller Marble McBride

Nordwald O'Toole Relford Surface Thompson 37

Wiggins

VACANCY: 001

Representative Shields requested a verification of Roll Call No. 6.

Representative Wilson offered House Amendment No. 19.

*House Amendment No. 19*

AMEND House Committee Substitute for Senate Bill No. 1, Page 75, Section 9, Line 3, by deleting from said line the word "two" that appears immediately before the word "cities"; and

Further amend said bill, Page 76, Section 10, Line 5, by adding immediately after the word "county" the following: "**or any city with a population greater than 50,000 located in any county of the first classification with a population of at least one hundred thousand inhabitants but not more than one hundred fifty thousand inhabitants**".

On motion of Representative Wilson, House Amendment No. 19 was adopted by the following vote:

AYES: 082

Auer Backer Barry 100 Bartelsmeyer Bauer

Berkstresser Bland Boucher Bray 84 Campbell

Carter Champion Clayton Copeland Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Farnen

Fitzwater Foley Ford Franklin Fritts

Gaskill Graham 24 Green Gunn Hagan-Harrell

Harlan Heckemeyer Hickey Hilgemann Hollingsworth

Hoppe Hosmer Johnson Kelley 47 Kennedy

Kissell Lakin Leake Liese Luetkenhaus

May 108 Mays 50 McLuckie Merideth Monaco

Murray O'Toole Overschmidt Parker Ransdall

Reynolds Rizzo Sallee Scheve Schilling

Seigfreid Shear Shelton 57 Skaggs Smith

Stokan Stoll Stroker Thomason 163 Thompson 72

Troupe Van Zandt Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 062

Akin Alter Barnett 4 Bennett 15 Boatright

Broach Burton Chrismer Cierpiot Cooper

Crawford Edwards-Pavia Enz Evans Foster

Froelker Gaston Gibbons Graham 106 Gratz

Griesheimer Gross Hartzler 123 Hartzler 124 Hegeman

Hendrickson Hohulin Holand Howerton Kasten

Kauffman Kelly 27 Legan Levin Linton

Lograsso Loudon McClelland Miller Murphy

Naeger Ostmann Patek Pouche Pryor

Purgason Reinhart Richardson Ridgeway Robirds

Ross Schwab Scott Secrest Sheldon 104

Shields Steen Summers Townley Vogel

Wannenmacher Wooten

PRESENT: 000

ABSENT WITH LEAVE: 018

Ballard Bonner Elliott Goward Hall

Hand Koller Kreider Lawson Long

Marble McBride Nordwald O'Connor Relford

Surface Thompson 37 Treadway

VACANCY: 001

Representative Gibbons offered House Amendment No. 20.

Representative Hollingsworth raised a point of order that House Amendment No. 20 goes beyond the scope of the bill and beyond the scope of the Governor's call.

The Chair ruled the point of order well taken.

Representative Levin offered House Amendment No. 20.

*House Amendment No. 20*

AMEND House Committee Substitute for Senate Bill No. 1, Page 6, Section 99.805, Line 8, by adding immediately after the word "use" the following: ", as established by clear and convincing evidence".

On motion of Representative Levin, House Amendment No. 20 was adopted.

Representative Pryor offered House Amendment No 21.

Representative Foley raised a point of order that House Amendment No. 21 goes beyond the scope of the bill.

The Speaker ruled the point of order not well taken.

Representative May raised a point of order that House Amendment No. 21 violates the Hammerschmidt ruling.

The Speaker ruled the point of order well taken.

Representative Murphy offered House Amendment No. 21.

*House Amendment No. 21*

AMEND House Committee Substitute for Senate Bill No. 1, Pages 5, 6, 7, and 8, "by eliminating all of said sections".

Representative Murphy moved that House Amendment No. 21 be adopted.

Which motion was defeated by the following vote:

AYES: 011

Boatright Enz Fritts Hendrickson Hohulin

Holand Legan Murphy Schilling Steen

Townley

NOES: 132

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Bray 84 Broach Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Dolan Donovan Dougherty Edwards-Pavia Evans

Farnen Fitzwater Foley Ford Foster

Franklin Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Gratz Griesheimer Gross

Gunn Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hickey Hilgemann Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Kreider Lakin Lawson Leake Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murray O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Purgason Ransdall Reinhart Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schwab Scott Secrest

Seigfreid Shear Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Summers Thompson 72 Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 019

Ballard Bonner Boucher Elliott Goward

Green Hall Hand Koller Marble

McBride Naeger Nordwald Pryor Relford

Surface Thomason 163 Thompson 37 Troupe

VACANCY: 001

Representative Hegeman offered House Amendment No. 22.

*House Amendment No. 22*

AMEND House Committee Substitute for Senate Bill No. 1, Page 73, Section 3, Line 13, by adding a period after the word "corporations" and deleting the rest of said sentence.

On motion of Representative Hegeman, House Amendment No. 22 was adopted.

Representative Merideth offered House Amendment No. 23.

*House Amendment No. 23*

AMEND House Committee Substitute for Senate Bill 1, page 75, Section 9, line 5, by adding immediately after "**act**" the following: "**and up to two additional pilot projects in qualifying counties, pursuant to section 13 of this act**";

And further amend said bill, Page 77, Section 12, Line 15, by inserting immediately after line 15, the following new section:

"**Section 13. 1. In order to extend the workfare renovation project to the non-metropolitan areas of the state, up to two pilot projects, in addition to those authorized pursuant to sections 9 to 12 of this act, shall be established by the Missouri housing development commission in qualifying counties. "Qualifying counties" shall include any county in the state selected by the Missouri housing development commission based upon state rankings of poverty level, income level, public assistance percentages, and unemployment. The governing body of any political subdivision within a qualifying county shall apply to the commission for participation in the workfare renovation project for the renovation of residential property within the qualifying county, and if approved for participation in the project, shall enact the appropriate ordinances, submit a plan for the renovation of property within the qualifying county, and establish an agency to administer the projects within the qualifying county pursuant to any authority delegated to such agency by the commission.**

**2. The Missouri housing development commission may:**

**(1) Receive, hold and convey title to real estate on the workfare renovation project carried out by any political subdivision in a qualifying county, and receive and use for the purposes of providing affordable housing to low-income persons, affording low-income persons an opportunity to obtain job skills obtained through their participation in the workfare renovation project, and to create tax producing properties for the political subdivisions within qualifying counties;**

**(2) Approve the property proposed for renovation for inclusion in the project;**

**(3) Approve the workers who will perform the renovation and reconstruction work, pursuant to the provisions of section 11 of this act;**

**(4) Sell all properties renovated pursuant to the provisions of section 11 of this act; and**

**(5) Exercise all other administrative oversight of the project as outlined in sections 9 to 12 of this act;**

**3. Properties selected for renovation shall be those in greatest need of neighborhood rehabilitation, as determined by the governing body of the municipality within the qualifying county.**

Representative Merideth moved that House Amendment No. 23 be adopted.

Which motion was defeated.

On motion of Representative Rizzo, **HCS SB 1, as amended,** was adopted.

On motion of Representative Rizzo, **HCS SB 1, as amended,** was read the third time and passed by the following vote:

AYES: 106

Auer Backer Barry 100 Bartelsmeyer Bauer

Berkstresser Boucher Bray 84 Broach Burton

Campbell Carter Champion Cierpiot Clayton

Cooper Copeland Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Farnen Fitzwater Foley

Ford Foster Franklin Fritts Gaskill

Graham 24 Graham 106 Gratz Gunn Hagan-Harrell

Harlan Heckemeyer Hickey Hilgemann Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kelley 47 Kelly 27 Kennedy Kissell Kreider

Lawson Leake Levin Liese Long

Luetkenhaus May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murray O'Connor

O'Toole Overschmidt Parker Pouche Reinhart

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Scott Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Stoll Stroker Thomason 163 Thompson 72

Treadway Troupe Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 037

Akin Alter Barnett 4 Bennett 15 Boatright

Chrismer Crawford Edwards-Pavia Enz Evans

Froelker Gaston Gibbons Griesheimer Gross

Hartzler 123 Hartzler 124 Hegeman Hendrickson Hohulin

Holand Kauffman Legan Linton Lograsso

Loudon Murphy Ostmann Patek Pryor

Purgason Richardson Schwab Secrest Steen

Summers Townley

PRESENT: 002

Bland Ransdall

ABSENT WITH LEAVE: 017

Ballard Bonner Elliott Goward Green

Hall Hand Koller Lakin Marble

McBride Naeger Nordwald Relford Stokan

Surface Thompson 37

VACANCY: 001

The Speaker declared the bill passed.

On motion of Representative Gunn, title to the bill was agreed to.

Representative Hagan-Harrell moved that the vote by which the bill passed be reconsidered.

Representative Kissell moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HB 1**, entitled:

An act to amend chapter 393, RSMo, by adding thereto nineteen new sections to authorize the creation of certain nonprofit sewer corporations and enhance economic development.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 2**, entitled:

An act relating to sales taxation, with an emergency clause.

With SSA 1 for SA 1, SA 2

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Section 1, Line 24, by inserting after the period "**.**" the following: "**If the governing body has not authorized the initial collection of the tax pursuant to such ordinance or order within three years after the date of the passage of the proposal, authorization for the governing body to impose such tax shall expire.**".

*Senate Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Section 1, Line 15, by adding following said line "There is no guarantee of any state funding.".

Emergency Clause Defeated.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 1**.

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, House Bill No. 850 and Senate Bill Nos. 386 & 372 were Truly Agreed To and Finally Passed in order to provide for appropriate legislative oversight of executive agency rulemaking; and

WHEREAS, Senate Bill Nos. 386 & 372 amended the rulemaking authority of twenty-six agencies to apply the provisions of House Bill No. 850, and in particular Section 536.028, to those agencies, the language of which is otherwise referred to as the "JCAR amendment"; and

WHEREAS, Senate Bill No. 7 of the Extraordinary Session applies the "JCAR amendment" to only sixteen executive agencies; and

WHEREAS, the General Assembly intends to make the rulemaking authority of all agencies subject to the "JCAR amendment" and, therefore deems it advisable to examine whether there are particular circumstances as to some agency that may suggest that the "JCAR amendment" should not apply or should be adjusted in regard to that agency; and

WHEREAS, it is advisable to examine every rulemaking agency to determine whether such agency should retain their rulemaking authority or whether such rulemaking authority is subject to adequate standards consistent with legislative intent; and

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, the House of Representatives concurring therein, that an interim committee be created for the purpose of examining the rulemaking authority of executive agencies and other entities, and that said committee be authorized to function during the interim of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED, that said interim committee be composed of five members of the Senate appointed by the President Pro Tem, and five members of the House of Representatives appointed by the Speaker, and that no more than three members of either House shall be of the majority party;

BE IT FURTHER RESOLVED, that the committee examine the applicability of the "JCAR amendment" to all rulemaking agencies, whether each such agency should retain its rulemaking power, whether the scope of each agencies' power is subject to adequate legislative standards consistent with legislative intent and the best interest of the public, and such other matters as the members of the committee deem appropriate in regard to agency rulemaking; and

BE IT FURTHER RESOLVED, that the committee prepare a report, together with its recommendations for submission to the Eighty-ninth General Assembly by December 30, 1997, and that the Committee on Legislative Research, Senate Research and the Director of the Joint Committee on Administrative Rules provide such research, clerical, and technical services as the interim committee may require; and

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the committee, its members, and any staff

personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the joint contingent fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 4**, entitled:

An act to repeal section 115.125, as truly agreed to in house committee substitute for Senate Bill No. 132 enacted during the first regular session of the eighty-ninth general assembly, relating to elections, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 1 as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCA 1 to SB 3**, and has taken up and passed **SB 3 as amended**.

**MOTIONS**

**SS HB 1**, relating to sewer corporations, was taken up by Representative Leake.

On motion of Representative Leake, **SS HB 1** was adopted by the following vote:

AYES: 143

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Dougherty

Edwards-Pavia Enz Evans Farnen Fitzwater

Foley Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Kreider Lawson Leake Legan Levin

Liese Linton Lograsso Long Loudon

Luetkenhaus May 108 Mays 50 McClelland McLuckie

Merideth Miller Monaco Murphy Murray

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Thomason 163 Thompson 72 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 018

Ballard Bonner Elliott Ford Goward

Green Hall Hand Koller Lakin

Marble McBride Naeger Nordwald Relford

Surface Thompson 37 Troupe

VACANCY: 001

On motion of Representative Leake, **SS HB 1** was truly agreed to and finally passed by the following vote:

AYES: 135

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Berkstresser Bland Boatright

Boucher Bray 84 Broach Burton Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Edwards-Pavia Enz Evans

Farnen Fitzwater Foley Foster Franklin

Fritts Froelker Gaskill Gaston Gibbons

Graham 24 Graham 106 Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Kreider Lawson Leake Legan

Levin Liese Linton Lograsso Long

Loudon Luetkenhaus May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Murray O'Connor O'Toole Ostmann Overschmidt

Parker Pouche Pryor Purgason Ransdall

Reinhart Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Secrest Seigfreid Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Thomason 163 Thompson 72

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 026

Ballard Bauer Bennett 15 Bonner Crump

Elliott Ford Goward Gratz Green

Hall Hand Koller Lakin Marble

McBride Naeger Nordwald Patek Relford

Scott Shear Surface Thompson 37 Troupe

Wooten

VACANCY: 001

The Speaker declared the bill passed.

On motion of Representative Heckemeyer, title to the bill was agreed to.

Representative Days moved that the vote by which the bill passed be reconsidered.

Representative Farnen moved that motion lay on the table.

The latter motion prevailed.

**HCS HB 2, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1 and Senate Amendment No. 2**, relating to local sales/use tax, was taken up by Representative Gratz.

On motion of Representative Gratz, the House concurred in Senate Substitute Amendment No. 1 for Senate Amendment No. 1 and Senate Amendment No. 2 to **HCS HB 2** , by the following vote:

AYES: 133

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boucher Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 Days DeMarce Dolan

Donovan Dougherty Enz Evans Farnen

Fitzwater Foley Foster Franklin Fritts

Froelker Gaskill Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Gunn Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hilgemann Holand Hollingsworth

Hoppe Hosmer Johnson Kasten Kauffman

Kelley 47 Kelly 27 Kennedy Kissell Kreider

Lawson Leake Legan Levin Liese

Lograsso Long Luetkenhaus May 108 Mays 50

McClelland McLuckie Merideth Miller Monaco

Murphy Murray O'Connor O'Toole Ostmann

Overschmidt Parker Pouche Pryor Purgason

Ransdall Reinhart Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schilling Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Thomason 163 Thompson 72 Townley Treadway

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 011

Akin Boatright Bray 84 Edwards-Pavia Gaston

Hohulin Howerton Linton Loudon Patek

Van Zandt

PRESENT: 000

ABSENT WITH LEAVE: 018

Ballard Bonner Elliott Ford Goward

Green Hall Hand Koller Lakin

Marble McBride Naeger Nordwald Relford

Surface Thompson 37 Troupe

VACANCY: 001

On motion of Representative Gratz, **HCS HB 2, as amended,** was truly agreed to and finally passed by the following vote:

AYES: 129

Alter Auer Backer Barnett 4 Barry 100

Bartelsmeyer Bauer Bennett 15 Berkstresser Bland

Boucher Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Donovan Dougherty

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Gunn Hagan-Harrell Harlan Hartzler 123

Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey

Hilgemann Holand Hollingsworth Hoppe Hosmer

Johnson Kasten Kauffman Kelley 47 Kelly 27

Kennedy Kissell Kreider Lawson Leake

Legan Levin Liese Long Luetkenhaus

May 108 Mays 50 McClelland McLuckie Merideth

Miller Monaco Murphy Murray O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Pryor Purgason Ransdall Reinhart Reynolds

Richardson Rizzo Robirds Ross Sallee

Scheve Schwab Scott Secrest Seigfreid

Shear Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stokan Stoll Stroker

Summers Thomason 163 Thompson 72 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 121

Williams 159 Wilson Wooten Mr. Speaker

NOES: 014

Akin Boatright Bray 84 Broach Edwards-Pavia

Gaston Hohulin Howerton Linton Lograsso

Loudon Patek Ridgeway Schilling

PRESENT: 000

ABSENT WITH LEAVE: 019

Ballard Bonner Dolan Elliott Ford

Goward Green Hall Hand Koller

Lakin Marble McBride Naeger Nordwald

Relford Surface Thompson 37 Troupe

VACANCY: 001

The Speaker declared the bill passed.

On motion of Representative Dougherty, title to the bill was agreed to.

Representative O'Toole moved that the vote by which the bill passed be reconsidered.

Representative Copeland moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 3**, entitled:

An act to repeal sections 67.1150, 67.1170, 67.1177, 94.800, 94.802, 94.805, 94.810, 94.812, 94.815, 94.817, 94.820, 94.822 and 94.825, RSMo 1994, and section 67.1000 as enacted by the first regular session of the eighty-ninth general assembly in Senate Bill No. 155 and approved by the governor on June 3, 1997, and to enact in lieu thereof eighteen new sections relating to local tourism taxes of municipalities and other political subdivisions currently authorized pursuant to state law or in bills passed by the eighty-ninth general assembly during the first regular session, as well as revisions ancillary to authorization of said tourism taxes, with an emergency clause and a severability clause.

With SA 1, SSA 1 for SA 2, SA 3, SA 4, SA 5

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 18, Section 94.825, Line 4, by inserting immediately after said line the following:

"94.870. In addition to all other taxes prescribed by law, the governing body of any municipality of the third classification with a population of at least fifteen thousand but not more than eighteen thousand inhabitants located within a county with a population of at least thirty-five thousand but not more than forty-five thousand inhabitants which has a total assessed valuation of at least two hundred [twenty] **seventy-five** million dollars but not more than [two] **three** hundred [thirty] **twenty-five** million dollars, [and] the governing body of any county with a population of at least twenty thousand but not more than twenty-five thousand which has a total assessed valuation of at least one hundred **twenty** million dollars but not more than one hundred [ten] **forty** million dollars **and the governing body of any county with a population of at least twenty-eight thousand but not more than thirty-one thousand which has a total assessed valuation of at least two hundred fifty-five million dollars** or any municipality located in such county and the governing body of any county with a population of at least twenty-five thousand but not more than thirty thousand which has a total assessed valuation of at least two hundred million dollars but not more than two hundred five million dollars or any municipality located in such county, or any city located partially but not wholly within a county of the third classification with a population of at least thirty-nine thousand inhabitants may impose, by ordinance or order, a tax on the price paid or charged to any person for rooms or accommodations paid by transient guests of hotels, motels, condominium units, campgrounds, and tourist courts situated within the political subdivision, at a rate not to exceed four percent of such price paid or charged. As used in this section, the term "hotel", "motel", or "tourist court" means any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being provided, including bed and breakfast facilities, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests, and the term "campground" means real property, other than state-owned property, which contains parcels for rent to transient guests for pay or compensation, which may include temporary utility hook-ups for use by the transient guests, and where such transient guests generally use tents, recreational vehicles or some other form of temporary shelter while on the rented premises. Shelters for the homeless operated by not for profit organizations are not a hotel, motel, or tourist court for the purposes of this section. As used in this section, the term "transient guest" means a person who occupies a room or rooms in a hotel, motel, campground, or tourist court for thirty consecutive days or less."; and

Further amend said bill, page 19, section 2, line 6 of said section, by striking the following: "or 67.1364" and inserting in lieu thereof the following: "**, 67.1364 or 94.870**"; and

Further amend said bill, page 21, section C, line 3 of said section, by inserting immediately after "94.825," the following: "94.870,"; and

Further amend the title and enacting clause accordingly.

*Senate Substitute Amendment No. 1*

*for*

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 4, Section 67.1150, Line 15, of said page, by inserting immediately after said line the following:

"3. No authority receiving funds under this section shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation."

*Senate Amendment No. 3*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 3, Section 67.1000, Line 67, by striking the word "may" and inserting in lieu thereof the following: "**and which has had such a tax approved by the voters prior to January 1, 1998, shall be authorized to**"; and

Further amend said bill, Page 8, Section 67.1360, Line 2, by striking the words "six thousand" and inserting in lieu thereof the following: "seven thousand and less than seven thousand five hundred".

*Senate Amendment No. 4*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 9, Section 67.1362, Line 26 of said page, by inserting immediately after the word "city" the word "**may**"; and

Further amend said bill, Page 18, Section 1, Lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

"**Section 1. All local sales taxes or gross receipts taxes adopted for the purpose, in whole or in part, for providing revenues for the promotion of tourism, other than those collected by the department of revenue pursuant to other provisions of law,**"; and

Further amend said bill, Page 18, Section 1, Line 15 of said page, by striking the word "subsection" and inserting in lieu thereof the word "**section**"; and

Further amend said bill, Page 19, Section 1, Line 27 of said page, by striking the word "subsection" and inserting in lieu thereof the word "**section**".

*Senate Amendment No. 5*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 8, Section 67.1360, Line 2, by inserting immediately after "thousand" the following: "**and a county with a population of over nine thousand six hundred which has a total assessed valuation of at least sixty-three million dollars if the county submits the issue to the voters of that county prior to January 1, 2003 shall be authorized to**"; and

Further amend said bill, page and section, Line 8, by inserting immediately after the word "city" as it appears both times the following: "**or county**"; and

Further amend said bill and section, Page 8, Line 10, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 14, by inserting after the word "city" the following: "**or county**"; and

Further amend said bill, Section 67.1362, Page 8, Line 3, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 6, by inserting after the word "city" the following: "**or county**"; and

Further amend said bill and section, Page 9, Line 14, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 16, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 17, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 20, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 23, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 24, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 25, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 26, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 28, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 40, by inserting after the word "city" the following: "**or county**"; and

Further amend Line 41 by inserting after the word "city" the following: "**or county**".

In which the concurrence of the House is respectfully requested.

**HOUSE BILL WITH SENATE AMENDMENTS**

**SCS HCS HB 3, as amended,** relating to tourism tax, was taken up by Representative Kreider.

Representative Kreider moved that the House refuse to adopt **SCS HCS HB 3, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

**HCS SB 1, as amended**, relating to economic development, was taken up by Representative Rizzo.

Representative Rizzo moved that the House refuse to recede from its position on **HCS SB 1, as amended,** and grant the Senate a conference.

Which motion was adopted.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its positon on **SCS HCS HB 3, as amended**, and grants the House a conference thereon.

**APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bills:

**HCS SB 1**: Representatives Rizzo, Scheve, Harlan, Cooper and Sallee

**SCS HCS HB 3**: Representatives Kreider, Crump, Leake, Robirds and Wooten

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 1 as amended**: Senators Mathewson, Scott, Goode, Childers, and Flotron.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HCS HB 3 as amended**: Senators Wiggins, Childers, Caskey, Goode, and Russell.

**MOTION**

Representative Backer moved that Rule 60(b) be suspended in order to take up **CCR SCS**

**HB 3**.

Which motion was adopted by the following vote:

AYES: 126

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Boucher Bray 84 Broach Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Davis 122

DeMarce Dolan Dougherty Edwards-Pavia Enz

Evans Farnen Fitzwater Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hilgemann Holand

Hollingsworth Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Kreider Lawson Legan Levin

Linton Lograsso Long Loudon Luetkenhaus

Mays 50 Merideth Miller Monaco Murphy

Murray O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Pryor Purgason

Ransdall Reinhart Reynolds Richardson Ridgeway

Rizzo Robirds Ross Sallee Schilling

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Steen

Stoll Stroker Summers Thomason 163 Thompson 72

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 035

Ballard Bland Bonner Burton Daniel 42

Daniels 41 Davis 63 Days Donovan Elliott

Ford Goward Green Gunn Hall

Hand Hickey Koller Lakin Leake

Liese Marble May 108 McBride McClelland

McLuckie Naeger Nordwald Relford Scheve

Shear Stokan Surface Thompson 37 Troupe

VACANCY: 001

**BILL IN CONFERENCE**

**CCR SCS HB 3, as amended**, relating to tourism tax, was taken up by Representative Kreider.

On motion of Representative Kreider, **CCR SCS HB 3, as amended,** was adopted by the following vote:

AYES: 128

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Boucher Bray 84 Broach Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Davis 122

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hilgemann Hohulin

Holand Hoppe Hosmer Howerton Johnson

Kasten Kauffman Kelley 47 Kelly 27 Kennedy

Kissell Kreider Lawson Leake Legan

Levin Linton Lograsso Long Loudon

Luetkenhaus Mays 50 McClelland Merideth Miller

Monaco Murphy Murray O'Connor O'Toole

Ostmann Overschmidt Parker Patek Pouche

Pryor Purgason Ransdall Reinhart Reynolds

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Sheldon 104 Shelton 57 Shields Skaggs

Smith Steen Stoll Stroker Summers

Thomason 163 Thompson 72 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 001

Fitzwater

PRESENT: 002

Hollingsworth Seigfreid

ABSENT WITH LEAVE: 031

Ballard Bland Bonner Burton Daniel 42

Daniels 41 Davis 63 Days Elliott Ford

Goward Green Gunn Hall Hand

Hickey Koller Lakin Liese Marble

May 108 McBride McLuckie Naeger Nordwald

Relford Shear Stokan Surface Thompson 37

Troupe

VACANCY: 001

On motion of Representative Kreider, **CCS SCS HB 3** was read the third time and passed by the following vote:

AYES: 127

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Boucher Bray 84 Broach Campbell

Carter Champion Chrismer Cierpiot Clayton

Cooper Copeland Crawford Crump Davis 122

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Foley Foster

Franklin Fritts Froelker Gaskill Gaston

Gibbons Graham 24 Graham 106 Gratz Griesheimer

Gross Hagan-Harrell Harlan Hartzler 123 Hartzler 124

Heckemeyer Hegeman Hendrickson Hilgemann Hohulin

Holand Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Kreider Lawson Leake Legan Levin

Linton Lograsso Long Loudon Luetkenhaus

Mays 50 McClelland Merideth Miller Monaco

Murphy Murray O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Reynolds Richardson

Ridgeway Rizzo Robirds Ross Sallee

Scheve Schilling Schwab Scott Secrest

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stoll Stroker Summers Thomason 163

Thompson 72 Townley Treadway Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Fitzwater

PRESENT: 002

Hollingsworth Seigfreid

ABSENT WITH LEAVE: 032

Ballard Bland Bonner Burton Daniel 42

Daniels 41 Davis 63 Days Elliott Ford

Goward Green Gunn Hall Hand

Hickey Hoppe Koller Lakin Liese

Marble May 108 McBride McLuckie Naeger

Nordwald Relford Shear Stokan Surface

Thompson 37 Troupe

VACANCY: 001

Speaker Gaw declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 123

Akin Alter Auer Backer Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Boatright Boucher Broach Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Davis 122 DeMarce

Dolan Donovan Dougherty Enz Evans

Farnen Foley Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Griesheimer Gross Hagan-Harrell

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hegeman

Hendrickson Hilgemann Hohulin Holand Hosmer

Howerton Johnson Kasten Kauffman Kelley 47

Kelly 27 Kennedy Kissell Kreider Lawson

Leake Legan Levin Linton Lograsso

Long Loudon Luetkenhaus Mays 50 McClelland

Merideth Miller Monaco Murphy Murray

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Reynolds Richardson Ridgeway Rizzo

Robirds Ross Sallee Schilling Schwab

Scott Secrest Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stoll Summers

Thomason 163 Thompson 72 Townley Treadway Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

NOES: 004

Bray 84 Edwards-Pavia Fitzwater Scheve

PRESENT: 002

Hollingsworth Seigfreid

ABSENT WITH LEAVE: 033

Ballard Bland Bonner Burton Daniel 42

Daniels 41 Davis 63 Days Elliott Ford

Goward Green Gunn Hall Hand

Hickey Hoppe Koller Lakin Liese

Marble May 108 McBride McLuckie Naeger

Nordwald Relford Shear Stokan Stroker

Surface Thompson 37 Troupe

VACANCY: 001

On motion of Representative Skaggs, title to the bill was agreed to.

Representative Stoll moved that the vote by which the bill passed be reconsidered.

Representative Monaco moved that motion lay on the table.

The latter motion prevailed.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 3 as amended**, and has taken up and passed **CCS SCS HCS HB 3**.

Emergency Clause Adopted.

**REFERRAL OF HOUSE JOINT RESOLUTION**

The following House Joint Resolution was referred to the Committee indicated:

**HJR 1** - Civil and Administrative Law

**REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SB 7** - Civil and Administrative Law

On motion of Representative Backer, the House recessed until 8:30 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **SS HB 1** and **CCS SCS HCS HB 3**, begs leave to report it has examined the foregoing bills and finds the same to be truly and correctly printed as agreed to and finally passed.

**SIGNING OF HOUSE BILLS**

All other business of the House was suspended while **SS HB 1 and CCS SCS HCS HB 3** were read at length and, there being no objection, were signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **SS HB 1 and CCS SCS HCS HB 3** were delivered to the Governor by the Chief Clerk of the House.

**SIGNING OF SENATE BILL**

All other business of the House was suspended while **SB 3** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

**ADJOURNMENT**

On motion of Speaker Gaw, the House adjourned until 11:00 a.m., Wednesday, September 17, 1997.

## CORRECTION TO THE HOUSE JOURNAL

**Correct House Journal, Fourth Day, Thursday, September 11, 1997, pages 47 and 48, roll call, by showing Representative Froelker voting "aye" rather than "absent with leave".**

**COMMITTEE MEETINGS**

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

**Wednesday, September 17, 1997, 9:00 am. Hearing Room 8. Gary Stangler,**

**Dept. of Social Services. Re: EBT Welfare reform.**

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**Wednesday, September 17, 1997, 9:30 am. Senate Lounge. Elementary and**

**Secondary Education 5 CSR 30-4.040**

**HOUSE CALENDAR**

**SIXTH DAY, WEDNESDAY, SEPTEMBER 17, 1997**

**HOUSE BILL WITH SENATE AMENDMENTS**

**SS HCS HB 4, E.C. - Kreider**

**Return to the Missouri House of Representatives**

# House Journal

## Second Extraordinary Session, 89th General Assembly

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SIXTH DAY, Wednesday, September 17, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Reverend Cheryl L. Tatham.

"Lord, the smell and the feel and the appearance of Your creation around us heralds the approach of Fall. As we enter into these waning days of this year, let us seek Your counsel in all that we do.

We are beginning to understand that the things that are wrong with our world are the sum total of all the things that are wrong with us as individuals. O God, we know perfectly well the things we SHOULD do; our trouble is that we do not want to do them. Our only hope is in You.

We ask Your presence with those whose loved ones lives have been taken in the crashes of planes and helicopters this week. Tragedy never seems very far away. Keep us mindful of and prayerful for those who grieve.

Bless now this House as it continues the business at hand. Amen."

The Pledge of Allegiance to the flag was recited.

The Journal of the fifth day was approved as corrected by the following vote:

AYES: 140

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Boucher Bray 84

Broach Burton Campbell Carter Chrismer

Clayton Cooper Copeland Crawford Crump

Daniel 42 Daniels 41 Davis 63 Davis 122 Days

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Goward Graham 24

Graham 106 Gratz Griesheimer Gross Hall

Harlan Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hilgemann Hohulin Hollingsworth Hosmer

Howerton Johnson Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McBride McClelland McLuckie

Merideth Miller Monaco Murphy Murray

Nordwald O'Connor O'Toole Ostmann Overschmidt

Parker Patek Pouche Ransdall Reinhart

Reynolds Richardson Ridgeway Rizzo Robirds

Ross Sallee Scheve Schilling Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stoll Stroker

Summers Surface Thomason 163 Thompson 72 Townley

Troupe Van Zandt Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Holand

PRESENT: 003

Naeger Pryor Purgason

ABSENT WITH LEAVE: 018

Bonner Champion Cierpiot Elliott Green

Gunn Hagan-Harrell Hand Hartzler 123 Hoppe

Kasten Levin Relford Schwab Shear

Stokan Thompson 37 Treadway

VACANCY: 001

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HB 2**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

**RECESS**

On motion of Representative Backer, the House recessed until 4:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 128

Alter Auer Backer Ballard Barnett 4

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Burton Campbell Chrismer Clayton Cooper

Copeland Crawford Crump Davis 63 Davis 122

DeMarce Dolan Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Fitzwater Foley

Foster Franklin Fritts Froelker Gaskill

Gaston Gibbons Graham 24 Graham 106 Gratz

Griesheimer Gross Hall Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hilgemann Hohulin

Hollingsworth Hoppe Hosmer Howerton Johnson

Kauffman Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Legan

Liese Linton Lograsso Long Loudon

Luetkenhaus Marble May 108 Mays 50 McClelland

McLuckie Merideth Miller Monaco Murphy

Murray Naeger O'Connor O'Toole Ostmann

Overschmidt Parker Patek Pouche Pryor

Purgason Ransdall Reinhart Ridgeway Rizzo

Robirds Ross Sallee Scheve Schilling

Scott Secrest Seigfreid Sheldon 104 Shields

Skaggs Smith Steen Stoll Stroker

Summers Surface Thomason 163 Townley Troupe

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Wooten Mr. Speaker

ABSENT WITH LEAVE: 034

Akin Bonner Carter Champion Cierpiot

Daniel 42 Daniels 41 Days Elliott Ford

Goward Green Gunn Hagan-Harrell Hand

Harlan Hartzler 123 Holand Kasten Kelley 47

Levin McBride Nordwald Relford Reynolds

Richardson Schwab Shear Shelton 57 Stokan

Thompson 37 Thompson 72 Treadway Van Zandt

VACANCY: 001

**SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HCS HB 2** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

**LETTER OF OBJECTION**

September 15, 1997

Ms. Anne Walker

Chief Clerk

Missouri House of Representatives

Jefferson City, Missouri 65101

Dear Chief Clerk:

I am filing a constitutional objection on this day, Monday, September 15, 1997, regarding Senate Bill 7 as introduced by Senator John Schneider for the following reasons:

The Governor of the State of Missouri called the Missouri General Assembly into Special Session on Monday, September 8, 1997, with specific issues to be addressed. Those issues were limited to the Branson sales tax and the legislation addressing the economic development bill vetoed by the Governor this summer.

On **Monday, September 8, 1997,** Senator John Schneider introduced Senate Bill 7, relating to the Joint Committee on Administrative Rules. On this same day, the bill was first read. On **Tuesday, September 9, 1997,** Senate Bill 7 was second read and assigned to the Judiciary Committee. A committee meeting was held on **Wednesday, September 10, 1997,** at 10:00 a.m. Senate Bill 7 was voted out of the Judiciary Committee on **Thursday, September 11, 1997,** and

both perfected and third read on **Thursday, September 11, 1997.** The House of Representatives received the message on **Thursday, September 11, 1997.**

The Governor of the State of Missouri **did not** expand the call to include the issue of the Joint Committee on Administrative Rules for the Special Session until **Wednesday, September 10, 1997, at 8:10 p.m.**

Therefore, Senate Bill 7 is not valid, as Article III, Section 39(7) says the General Assembly does not have power "to act, when convened in extra session by the Governor, upon subjects other than those specially designed in the proclamation calling said session or recommended by special message to the General Assembly after the convening of an extra session." As explained in the above paragraphs, Senate Bill 7 was clearly **not** within the call of the Governor when it was first read on September 8, 1997, and second read on September 9, 1997.

Missouri cases establish that the General Assembly cannot, at an extra session, transcend the limits of the subject submitted to it by the Governor's special message. This is mandatory, not discretionary.

The action by the Missouri Senate in acting outside the Special Session call by first reading, second reading, assigning to committee and reporting out of committee Senate Bill 7 clearly is prohibited by the Constitution of the State of Missouri. The revised call made by the Governor of Missouri on **Wednesday, September 10, at 8:10 p.m.** makes the aforementioned actions by the Missouri Senate invalid. There is no provision in the Constitution of the State of Missouri which allows the legislative process to be retroactive in regard to a Special Session.

The legislative actions on Senate Bill 7 occurred before the bill's subject was within the scope of the call of the Special Session. Therefore, the actions are invalid, and Senate Bill 7 must not be considered by the House of Representatives.

Sincerely,

/s/ Gracia Yancey Backer

**MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE

State of Missouri

TO THE CHIEF CLERK OF THE

HOUSE OF REPRESENTATIVES

89TH GENERAL ASSEMBLY

SECOND EXTRAORDINARY SESSION

STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3 entitled:

"AN ACT"

To repeal sections 67.1150, 67.1170, 67.1177, 94.800, 94.802, 94.805, 94.810, 94.812, 94.815, 94.817, 94.820, 94.822, 94.825 and 94.870, RSMo 1994, and section 67.1000 as enacted by the first regular session of the eighty-ninth general assembly in senate bill no. 155 and approved by the governor on June 3, 1997, and to enact in lieu thereof nineteen new sections relating to local tourism taxes of municipalities and other political subdivisions currently authorized pursuant to state law or in bills passed by the eighty-ninth general assembly during the first regular session, as well as revisions ancillary to authorization of said tourism taxes, with an emergency clause and a severability clause.

On September 15, 1997, I approved said Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3.

Respectfully submitted

/s/ Mel Carnahan

Governor

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 11:00 a.m., Thursday, September 18, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifth Day, Friday, September 12, 1997, page 1, line 17, by inserting after said line the following:

**"SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 1** was read the second time.

**SECOND READING OF SENATE BILL**

**SCS SB 7** was read the second time."

Page 68, lines 8 and 9, by deleting all of said lines and inserting in lieu thereof the following:

"On motion of Representative Merideth, House Amendment No. 23 was adopted."

Page 79, line 10, by inserting after said line the following:

**CONFERENCE COMMITTEE REPORT**

**ON**

**SENATE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**HOUSE BILL NO. 3**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, with Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 2, Senate Amendments Nos. 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 3;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3 be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Jim Kreider (142) /s/ Doyle Childers

/s/ Chuck Wooten (137) /s/ Wayne Goode

/s/ Estel Robirds (143) /s/ John Russell

/s/ Wayne Crump (152) /s/ Harry Wiggins

/s/ Sam Leake (9) /s/ Harold Caskey

Page 61, roll call, by showing Representative Kreider voting "no" rather than "absent with leave".

Page 65, roll call, by showing Representative Kreider voting "aye" rather than "absent with leave".

Page 72, roll call, by showing Representative Patek voting "aye" rather than "absent with leave".

Page 81, roll call, by showing Representative Stroker voting "aye" rather than "absent with leave".

**HOUSE CALENDAR**

SEVENTH DAY, THURSDAY, SEPTEMBER 18, 1997

**HOUSE BILL WITH SENATE AMENDMENTS**

SS HCS HB 4, E.C. - Kreider

**BILL IN CONFERENCE**

HCS SB 1, as amended - Rizzo

 Return to the Missouri House of Representatives

# House Journal

## Second Extraordinary Session, 89th General Assembly

---

SEVENTH DAY, Thursday, September 18, 1997

Speaker Pro Tem Kreider in the Chair.

Prayer by Father Hugh Behan.

"Some put their trust in chariots, some in horses, but we boast of God's name." (Ps. 20:8)

One of the amusing stories of our Missouri History is about the huge official Seal of the State of Missouri which is on display in the Secretary of State's office. The story goes that it was made so large to prevent it from being hauled off in a saddle bag so some usurper could not ride out of town on his horse, as was done during some troubled days of the last century.

There is nothing new gracious God, about constitutional crises, and political disagreements. It was ever thus and will be at least for another one hundred years, but even that statement will cause me some trouble with those who think that it will be all over by the year 2000.

As we go home today, or whenever, may we have the perspective that comes from taking the long view, and a memory of someone trying to load the State Seal for a wild Bronco ride through the Ozarks. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ben Wood and Kevin Coombs.

The Journal of the sixth day was approved as corrected by the following vote:

AYES: 135

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Boatright Boucher Bray 84 Broach

Burton Campbell Carter Chrismer Clayton

Cooper Copeland Crawford Crump Daniel 42

Daniels 41 Davis 63 Davis 122 Days DeMarce

Donovan Edwards-Pavia Enz Evans Farnen

Fitzwater Foley Ford Foster Franklin

Fritts Gaskill Gaston Gibbons Graham 24

Graham 106 Gratz Griesheimer Gross Hall

Harlan Hartzler 124 Heckemeyer Hegeman Hendrickson

Hickey Hilgemann Hollingsworth Hoppe Hosmer

Howerton Johnson Kauffman Kelley 47 Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Liese Linton

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Purgason Ransdall Reinhart

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Steen Stokan Stoll

Stroker Summers Surface Thomason 163 Thompson 72

Townley Troupe Vogel Wannenmacher Wiggins

Williams 121 Williams 159 Wilson Wooten Mr. Speaker

NOES: 001

Hohulin

PRESENT: 001

Pryor

ABSENT WITH LEAVE: 025

Bland Bonner Champion Cierpiot Dolan

Dougherty Elliott Froelker Goward Green

Gunn Hagan-Harrell Hand Hartzler 123 Holand

Kasten Levin Lograsso Nordwald Relford

Reynolds Shear Thompson 37 Treadway Van Zandt

VACANCY: 01

**RECESS**

On motion of Representative Backer, the House recessed until 2:00 p.m.

**AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Gaw.

**RECESS**

On motion of Representative Crump, the House recessed until 3:20 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

Representative Scheve assumed the Chair.

Representative Backer suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 000

NOES: 000

PRESENT: 125

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Berkstresser

Bland Boatright Boucher Bray 84 Broach

Burton Campbell Carter Chrismer Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 DeMarce Donovan Dougherty Edwards-Pavia

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fritts Gaskill

Gaston Gibbons Graham 24 Graham 106 Griesheimer

Gross Harlan Hartzler 124 Heckemeyer Hegeman

Hendrickson Hickey Hilgemann Hollingsworth Hoppe

Hosmer Howerton Johnson Kauffman Kelly 27

Kennedy Kissell Koller Kreider Lakin

Lawson Leake Legan Liese Linton

Lograsso Long Loudon Luetkenhaus Marble

May 108 Mays 50 McClelland Merideth Miller

Monaco Murphy Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Richardson Ridgeway Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Summers Thomason 163 Thompson 72 Troupe Vogel

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

ABSENT WITH LEAVE: 037

Bennett 15 Bonner Champion Cierpiot Clayton

Davis 122 Days Dolan Elliott Froelker

Goward Gratz Green Gunn Hagan-Harrell

Hall Hand Hartzler 123 Hohulin Holand

Kasten Kelley 47 Levin McBride McLuckie

Nordwald Relford Reynolds Shear Steen

Surface Thompson 37 Townley Treadway Van Zandt

Wannenmacher Wooten

VACANCY: 001

Speaker Gaw resumed the Chair.

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 1, as amended**, and has taken up and passed **CCS HCS SB 1, as amended by CCA's 1** and **2.**

**CONFERENCE COMMITTEE REPORT**

**ON**

**HOUSE COMMITTEE SUBSTITUTE**

**FOR**

**SENATE BILL NO. 1**

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 1, with House Amendment Nos. 1, 2, 4, 5, 6, 7 and 8, House Amendment No. 10 with House Amendment Nos. 1 and 2, House Amendment No. 12 with House Amendment No. 1, House Amendment Nos. 13, 14, 15 and 17, House Amendment No. 18 with House Amendment No. 1, and House Amendment Nos. 19, 20, 22 and 23; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 1, as amended;

2. That the Senate recede from its position on Senate Bill No. 1;

3. That Conference Committee Amendments Nos. 1 and 2 be adopted;

4. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1, as amended by Conference Committee Amendments Nos. 1 and 2, be truly agreed to and finally passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Henry Rizzo /s/ James Mathewson

/s/ May Scheve /s/ John Scott

/s/ Tim Harlan /s/ Wayne Goode

/s/ Bonnie Sue Cooper /s/ Doyle Childers

/s/ Mary Lou Sallee /s/ Francis Flotron

*Conference Committee Amendment No. 1*

AMEND Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1, Page 46, Section 99.865, Line 15 of said page, by inserting at the end of said line the following: "**No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 100, Section 135.460, Line 19 of said page, by inserting at the end of said line the following: "**No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 112, Section 135.508, Line 8 of said page, by inserting at the end of said line the following: "**No rule or portion of a rule promulgated under the authority of sections 135.500 to 135.529 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing**

**in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 133, Section 178.895, Line 10 of said page, by inserting at the end of said line the following: "**No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 143, Section 620.1039, Line 18 of said page, by inserting at the end of said line the following: "**No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 145, Section 620.1075, Line 19 of said page, by inserting immediately after "620.1081." the following: "**No rule or portion of a rule promulgated under the authority of sections 620.1069 to 620.1081 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 151, Section 620.1350, Line 12 of said page, by inserting at the end of said line the following: "**No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**"; and

Further amend said bill, Page 163, Section 10, Line 7 of said page, by inserting immediately after said line the following: "**4. No rule or portion of a rule promulgated under the authority of sections 8 to 11 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.**".

*Conference Committee Amendment No. 2*

AMEND Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1, Page 18, Section 99.820, Line 11 of said page, by inserting immediately after the word "county" the following: "**and not a first class county with a charter form of government with a population in excess of nine hundred thousand,**"; and further amend line 12 of said page, by inserting immediately after the word "county" the following: "**and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand,**"; and

Further amend said bill and section, Page 19, Line 3 of said page, by inserting immediately after the word "counties" the following: "**and not in a first class county with a charter form of government having a population in excess of nine hundred thousand**"; and further amend lines 6-11 of said page, by striking all of said lines and inserting in lieu thereof the following; "**this subsection; (5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;**"; and further amend line 12 of said page, by striking "(5)" and inserting in lieu thereof the following: "**(6)**"; and

Further amend said bill, Page 33, Section 99.845, Line 23 of said page, by striking the following: "taxes levied pursuant to section 96.660," and inserting in lieu thereof the following: "**or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660,**".

**BILL IN CONFERENCE**

Representative Rizzo moved that Rule 60(b) be suspended and **CCR HCS SB 1, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 076

Auer Backer Barry 100 Bartelsmeyer Bauer

Berkstresser Boucher Bray 84 Burton Campbell

Cooper Copeland Crump Daniels 41 Davis 63

DeMarce Donovan Dougherty Farnen Fitzwater

Foley Franklin Fritts Graham 106 Gratz

Griesheimer Harlan Heckemeyer Hickey Hilgemann

Hollingsworth Hoppe Howerton Johnson Kelly 27

Kennedy Koller Kreider Lakin Lawson

Leake Liese May 108 Mays 50 McClelland

McLuckie Merideth Monaco Murray Naeger

O'Connor O'Toole Overschmidt Parker Pouche

Ransdall Reinhart Ridgeway Rizzo Robirds

Ross Sallee Seigfreid Shelton 57 Shields

Skaggs Smith Stoll Stroker Thomason 163

Vogel Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 047

Akin Alter Ballard Barnett 4 Bennett 15

Boatright Broach Carter Chrismer Crawford

Edwards-Pavia Enz Evans Ford Foster

Gaskill Gaston Gibbons Gross Hartzler 124

Hegeman Hendrickson Hosmer Kauffman Kissell

Legan Linton Lograsso Long Loudon

Luetkenhaus Marble Miller Murphy Ostmann

Patek Pryor Purgason Richardson Scheve

Schilling Schwab Secrest Sheldon 104 Stokan

Thompson 72 Troupe

PRESENT: 000

ABSENT WITH LEAVE: 039

Bland Bonner Champion Cierpiot Clayton

Daniel 42 Davis 122 Days Dolan Elliott

Froelker Goward Graham 24 Green Gunn

Hagan-Harrell Hall Hand Hartzler 123 Hohulin

Holand Kasten Kelley 47 Levin McBride

Nordwald Relford Reynolds Scott Shear

Steen Summers Surface Thompson 37 Townley

Treadway Van Zandt Wannenmacher Wooten

VACANCY: 001

**RECONSIDERATION**

Representative Scheve, having voted on the prevailing side, moved that the vote by which **the suspension of Rule 60(b) and the adoption of CCR HCS SB 1, as amended,** was defeated be reconsidered.

Representative Thomason (163) requested a division of the question.

**Part I - Suspension of Rule 60(b)**

On motion of Representative Scheve, **Part I** was adopted by the following vote:

AYES: 105

Alter Auer Backer Barry 100 Bartelsmeyer

Bauer Berkstresser Bland Boucher Bray 84

Broach Burton Campbell Carter Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 DeMarce Donovan Dougherty Evans

Farnen Fitzwater Foley Ford Foster

Franklin Fritts Gaskill Gaston Graham 106

Gratz Griesheimer Harlan Heckemeyer Hegeman

Hickey Hilgemann Hollingsworth Hoppe Hosmer

Howerton Johnson Kauffman Kelly 27 Kennedy

Kissell Kreider Lakin Lawson Leake

Legan Liese Lograsso Long Luetkenhaus

Marble May 108 Mays 50 McClelland McLuckie

Miller Monaco Murray Naeger O'Connor

O'Toole Ostmann Overschmidt Parker Pouche

Purgason Ransdall Reinhart Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Seigfreid Sheldon 104 Shelton 57 Shields

Skaggs Smith Stokan Stoll Stroker

Thomason 163 Thompson 72 Treadway Troupe Vogel

Wiggins Williams 121 Williams 159 Wilson Mr. Speaker

NOES: 019

Akin Ballard Barnett 4 Bennett 15 Chrismer

Edwards-Pavia Enz Gibbons Gross Hartzler 124

Hendrickson Linton Loudon Merideth Murphy

Patek Pryor Ridgeway Secrest

PRESENT: 000

ABSENT WITH LEAVE: 038

Boatright Bonner Champion Cierpiot Clayton

Davis 122 Days Dolan Elliott Froelker

Goward Graham 24 Green Gunn Hagan-Harrell

Hall Hand Hartzler 123 Hohulin Holand

Kasten Kelley 47 Koller Levin McBride

Nordwald Relford Reynolds Scott Shear

Steen Summers Surface Thompson 37 Townley

Van Zandt Wannenmacher Wooten

VACANCY: 001

**Part II - Adoption of CCR HCS SB 1, as amended**

The motion to reconsider **Part II**, was laid over.

**SIGNING OF HOUSE BILL**

Having been duly signed in open session of the Senate, **HCS HB 2** was delivered to the Governor by the Chief Clerk of the House.

**COMMITTEE CHANGE**

The Speaker submitted the following Committee change:

Representative Franklin has been appointed a member of the Committee on Legislative Research.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until 11:00 a.m., Friday, September 19, 1997.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixth Day, Wednesday, September 17, 1997, pages 85 and 86, roll call, by showing Representatives Akin and Richardson voting "present" rather than "absent with leave".

**HOUSE CALENDAR**

EIGHTH DAY, FRIDAY, SEPTEMBER 19, 1997

**HOUSE BILLS WITH SENATE AMENDMENTS**

SS HCS HB 4, E.C. - Kreider

**BILLS IN CONFERENCE**

CCR HCS SB 1, a.a., Part II of motion to reconsider

vote to suspend Rule 60(b) and adopt CCR, pending. - Rizzo

Return to the Missouri House of Representatives

# House Journal

## Second Extraordinary Session, 89th General Assembly

---

EIGHTH DAY, Friday, September 19, 1997

Speaker Gaw in the Chair.

Prayer by Father Hugh Behan.

"You God reign for ever; you established your throne to rule the word with justice and judge all peoples rightly." (Ps. 9:8, ICEL test).

I got a whole different understanding of immigration when I visited the Ulster Folk Museum near my parental home in Northern Ireland a few years ago. They offer a tour of a replica of a boat which the exiles traveled into the United States and described the conditions. I since read about the conditions on the slave ships from Africa.

Eternal God who "judges all things rightly" as our Psalm verse says today, those ships are a metaphor for our own life. As we debate economic issues we ask for your wisdom, Lord God, to help us take care of our own citizens who travel in the lower decks, while too may of us go first class gold star. May we lift up the whole boat, lifting those below deck above water whose condition is sometimes caused by their own failures, but often caused by those who are greedy and drive them below from their rightful place above deck and keep them there or use them for their own profit as economic slaves.

We pray for a restful weekend at home after a harrowing special session here. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jon Albert, Ashleigh Michelle Haslag, Timothy Joseph Struemph, Caitlin Hill and Robert Siedhoff.

The Journal of the seventh day was approved as printed.

**BILL IN CONFERENCE**

**Part II of the motion to reconsider the vote to suspend Rule 60(b) and to adopt CCR HCS SB 1, as amended,**

**which was defeated**, was again taken up by Representative Scheve.

**Part II - Adoption of CCR HCS SB 1, as amended**

On motion of Representative Scheve, **Part II** was adopted by the following vote:

AYES: 102

Auer Backer Barry 100 Bartelsmeyer Bauer

Berkstresser Bland Boucher Bray 84 Broach

Campbell Carter Clayton Cooper Copeland

Crump Daniel 42 Daniels 41 Davis 122 Davis 63

DeMarce Donovan Dougherty Evans Farnen

Fitzwater Foley Ford Franklin Fritts

Graham 24 Gratz Green Griesheimer Hagan-Harrell

Harlan Heckemeyer Hegeman Hickey Hilgemann

Hollingsworth Hoppe Howerton Johnson Kelley 47

Kelly 27 Kennedy Kissell Koller Kreider

Lakin Lawson Leake Liese Lograsso

Luetkenhaus May 108 Mays 50 McBride McClelland

McLuckie Miller Monaco Murray Naeger

O'Connor O'Toole Overschmidt Parker Pouche

Ransdall Reinhart Reynolds Rizzo Robirds

Ross Sallee Scheve Schwab Scott

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Stoll Stroker Summers Thomason 163

Thompson 72 Thompson 37 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 033

Akin Alter Ballard Barnett 4 Bennett 15

Boatright Chrismer Crawford Edwards-Pavia Enz

Foster Gaskill Gaston Gibbons Gross

Hartzler 124 Hendrickson Kauffman Legan Linton

Long Loudon Marble Merideth Murphy

Ostmann Patek Pryor Purgason Ridgeway

Schilling Secrest Steen

PRESENT: 000

ABSENT WITH LEAVE: 027

Bonner Burton Champion Cierpiot Days

Dolan Elliott Froelker Goward Graham 106

Gunn Hall Hand Hartzler 123 Hohulin

Holand Hosmer Kasten Levin Nordwald

Relford Richardson Shear Stokan Surface

Townley Wooten

VACANCY: 001

**CCR HCS SB 1, as amended**, relating to economic development, was again taken up by Representative Rizzo.

On motion of Representative Rizzo, **CCR HCS SB 1, as amended**, was adopted by the following vote:

AYES: 107

Auer Backer Barnett 4 Barry 100 Bartelsmeyer

Bauer Berkstresser Bland Boucher Bray 84

Broach Campbell Carter Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 DeMarce Donovan Dougherty

Farnen Fitzwater Foley Ford Franklin

Fritts Graham 24 Gratz Green Griesheimer

Hagan-Harrell Harlan Heckemeyer Hegeman Hickey

Hilgemann Hollingsworth Hoppe Howerton Johnson

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Liese

Lograsso Luetkenhaus May 108 Mays 50 McBride

McClelland McLuckie Merideth Miller Monaco

Murray Naeger O'Connor O'Toole Overschmidt

Parker Patek Pouche Ransdall Reinhart

Reynolds Ridgeway Rizzo Robirds Ross

Sallee Scheve Schwab Scott Secrest

Seigfreid Sheldon 104 Shelton 57 Shields Skaggs

Smith Stoll Stroker Summers Thomason 163

Thompson 37 Thompson 72 Treadway Troupe Van Zandt

Vogel Wannenmacher Wiggins Williams 121 Williams 159

Wilson Mr. Speaker

NOES: 029

Akin Alter Ballard Bennett 15 Boatright

Chrismer Edwards-Pavia Enz Evans Foster

Gaskill Gaston Gibbons Gross Hartzler 124

Hendrickson Kauffman Legan Linton Long

Loudon Marble Murphy Ostmann Pryor

Purgason Schilling Steen Stokan

PRESENT: 000

ABSENT WITH LEAVE: 026

Bonner Burton Champion Cierpiot Days

Dolan Elliott Froelker Goward Graham 106

Gunn Hall Hand Hartzler 123 Hohulin

Holand Hosmer Kasten Levin Nordwald

Relford Richardson Shear Surface Townley

Wooten

VACANCY: 001

On motion of Representative Rizzo, **CCS HCS SB 1, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 106

Auer Backer Barnett 4 Barry 100 Bartelsmeyer

Bauer Berkstresser Bland Boucher Bray 84

Broach Campbell Carter Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41

Davis 63 Davis 122 DeMarce Donovan Dougherty

Farnen Fitzwater Foley Ford Franklin

Fritts Graham 24 Gratz Green Griesheimer

Hagan-Harrell Harlan Heckemeyer Hegeman Hickey

Hilgemann Hollingsworth Hoppe Howerton Johnson

Kelley 47 Kelly 27 Kennedy Kissell Koller

Kreider Lakin Lawson Leake Liese

Lograsso Luetkenhaus May 108 Mays 50 McBride

McClelland McLuckie Miller Monaco Murray

Naeger O'Connor O'Toole Overschmidt Parker

Pouche Ransdall Reinhart Reynolds Ridgeway

Rizzo Robirds Ross Sallee Scheve

Schwab Scott Secrest Seigfreid Sheldon 104

Shelton 57 Shields Skaggs Smith Stokan

Stoll Stroker Summers Thomason 163 Thompson 37

Thompson 72 Treadway Troupe Van Zandt Vogel

Wannenmacher Wiggins Williams 121 Williams 159 Wilson

Mr. Speaker

NOES: 029

Akin Alter Ballard Bennett 15 Boatright

Chrismer Edwards-Pavia Evans Foster Gaskill

Gaston Gibbons Gross Hartzler 124 Hendrickson

Kauffman Legan Linton Long Loudon

Marble Merideth Murphy Ostmann Patek

Pryor Purgason Schilling Steen

PRESENT: 000

ABSENT WITH LEAVE: 027

Bonner Burton Champion Cierpiot Days

Dolan Elliott Enz Froelker Goward

Graham 106 Gunn Hall Hand Hartzler 123

Hohulin Holand Hosmer Kasten Levin

Nordwald Relford Richardson Shear Surface

Townley Wooten

VACANCY: 001

Speaker Gaw declared the bill passed.

On motion of Representative Gratz, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Green moved that motion lay on the table.

The latter motion prevailed.

**ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, September 24, 1997.

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# House Journal

## VETO SESSION

## First Regular Session, 89th General Assembly

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FIRST DAY, Wednesday, September 10, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

"O God of forgiveness, as the work of this House continues this week, may these Representatives sense your presence in a profound way. Each heart here feels the need of reassurance and affirmation in stands taken on difficult issues. When the needs and welfare of people are at stake, let each one here consider prayerfully what their conscience leads them to do.

Even as our world faces daily the struggle of war, hatred, greed and divisiveness, lend to these proceedings your guidance so that loving choices might be made.

In all things, O Lord, let us consider the real people whose lives our decisions affect and let us act with love and compassion for all your people, young and old, male and female, of all races, economic status, religious belief or political convictions, hear our prayers, O God, justice and mercy. Amen."

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Page for the Day, to serve without compensation: Andrew Charles Bennett.

**RESOLUTION**

Representative Backer offered House Resolution No. 1.

**HOUSE RESOLUTION NO. 1**

BE IT RESOLVED, that the Chief Clerk of the House of Representatives inform the Governor and the Senate that the House is duly convened and is now in session in the 1997 Constitutional Veto Session and ready for consideration of business.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 1 was adopted by the following vote:

AYES: 146

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniels 41 Davis 63

Davis 122 Days DeMarce Donovan Dougherty

Edwards-Pavia Elliott Enz Evans Farnen

Fitzwater Ford Foster Franklin Fritts

Froelker Gaskill Gaston Gibbons Goward

Graham 24 Graham 106 Gratz Green Griesheimer

Gross Gunn Hagan-Harrell Hall Harlan

Hartzler 123 Hartzler 124 Heckemeyer Hegeman Hendrickson

Hilgemann Hohulin Holand Hollingsworth Hoppe

Hosmer Howerton Johnson Kasten Kauffman

Kelly 27 Kennedy Kissell Kreider Lawson

Leake Legan Levin Liese Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

O'Connor Ostmann Overschmidt Parker Patek

Pouche Pryor Purgason Ransdall Reinhart

Relford Reynolds Ridgeway Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stoll

Stroker Summers Surface Thomason 163 Thompson 72

Townley Treadway Van Zandt Vogel Wannenmacher

Wiggins Williams 121 Williams 159 Wilson Wooten

Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 016

Daniel 42 Dolan Foley Hand Hickey

Kelley 47 Koller Lakin Linton Nordwald

O'Toole Richardson Rizzo Stokan Thompson 37

Troupe

VACANCY: 001

**MESSAGES FROM THE GOVERNOR**

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 6 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1997 and ending June 30, 1998.

Section 6.078

I hereby veto $70,000 for the pivot irrigation system for the University of Missouri Delta Center Facility. The remaining $180,000 provided for a cotton picker is sufficient to carry out research on cotton, a major crop of the bootheel region. Recent progress in eradicating the boll weevil makes this an appropriate and timely investment. In the future, subsequent funding for this and all agriculture experiment stations of the University of Missouri system should be left to the discretion and priorities of the Board of Curators.

Said section is vetoed by $70,000 from $250,000 to $180,000 from General Revenue Fund. From $250,000 to $180,000 in total for the section.

Section 6.369

The words "contingent upon passage of HB 288, an act of the 89th General Assembly, First Regular Session" are deleted and not approved for the reason that they are null and void because the inclusion of legislation of a general character within an appropriations bill is prohibited by the Missouri Constitution in Article III, Section 23. Moreover, Article IV, Section 23 of the Missouri Constitution prohibits referencing other laws to fix the amount or purpose of an appropriation. This restrictive language could limit the ability of the Department of Natural Resources to receive $22 million in federal grants for Missouri drinking water systems.

On June 26, 1997, I approved said Conference Committee Substitute for House Bill No. 6, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 7 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1997 and ending June 30, 1998.

Section 7.895

I hereby veto $2 E for the Missouri Commission on Human Rights and language which states that "Prior approval to exceed stated amounts of federal funds must be granted by the House Budget Committee Chair and Senate Appropriations Committee Chair." The approval language is null and void because such authority is reserved to the executive branch in accordance with Article IV, Section 28 of the Missouri Constitution. The Governor and the General Assembly can consider any additional funding needs in the Fiscal Year 1998 supplemental appropriations bill.

Personal Service by $1 E from $552,678 E to $552,677 Federal Funds.

Expense and Equipment by $1 E from $151,078 E to $151,077 Federal Funds.

From $703,756 E to $703,754 in total from Federal Funds.

From $2,086,287 to $2,086,285 in total for the section.

On June 26, 1997, I approved said Conference Committee Substitute for House Bill No. 7, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 8 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1997 and ending June 30, 1998.

Section 8.130

I hereby veto $85,349 for additional clerks and equipment for the Highway Patrol Troop D satellite communication operation in Carthage. While numerous dispatch centers were required in the past to provide statewide coverage, new technology permits efficient and effective radio communication through consolidated facilities. Additional staff at the Carthage station are unnecessary when services can be provided as effectively through the Troop D Headquarters in Springfield.

From $12,988,453 to $12,903,104 in total from the State Highways and Transportation Department Fund.

From $15,873,072 to $15,787,723 in total for the section.

On June 26, 1997, I approved said Conference Committee Substitute for House Bill No. 8, except for the item specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 9 entitled:

"AN ACT"

To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be

expended only as provided in Article IV, Section 28 of the Constitution of Missouri,

for the period beginning July 1, 1997 and ending June 30, 1998.

Section 9.500

I hereby veto $10,800 for a salary adjustment for Probation and Parole Officer II's. Fiscal Year 1998 will be the second year of a multi-year process of evaluating state employee pay and bringing it into line with the market. The Commission on Management and Productivity and the Ad Hoc Task Force on Total Compensation have comprehensively assessed state employee pay and benefits. A number of specific proposals for special Fiscal Year 1998 pay increases were evaluated and rejected by the Ad Hoc Task Force on Total Compensation. This proposal was not submitted in accordance with the process and would most likely have been rejected if it has been reviewed. The language included in the section references "reclassification." The funding provided is not sufficient to accomplish a reclassification and doing so would contribute to a dilution of the state's measured efforts to move towards equitable marketplace compensation for all employees.

Personal Service by $10,800 from $13,404,952 to $13,394,152.

From $23,670,135 to $23,659,335 in total for the section.

Section 9.505

I hereby veto $494,454 for a salary adjustment for Probation and Parole Officer I's. Fiscal Year 1998 will be the second year of a multi-year process of evaluating state employee pay and bringing it into line with the market. The Commission on Management and Productivity and the Ad Hoc Task Force on Total Compensation have comprehensively assessed state employee pay and benefits. A number of specific proposals for special Fiscal Year 1998 pay increases were evaluated and rejected by the Ad Hoc Task Force on Total Compensation. This proposal was not submitted in accordance with the process and would most likely have been rejected if it has been reviewed. The language included in the section references "reclassification." The funding provided is not sufficient to accomplish a reclassification and doing so would contribute to a dilution of the state's measured efforts to move towards equitable marketplace compensation for all employees.

Personal Service by $494,454 from $27,524,526 to $27,030,072.

From $27,524,526 to $27,030,072 in total for the section.

On June 26, 1997, I approved said Conference Committee Substitute for House Bill No. 9, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Bill No. 11 entitled:

"AN ACT"

To appropriate money for the expenses, grants, and distributions of the Department

of Social Services and the several divisions and programs thereof to be expended only

as provided in Article IV, Section 28 of the Constitution of Missouri, for the period

beginning July 1, 1997, and ending June 30, 1998.

Section 11.008

I hereby veto $2,043,348, including $1,369,044 general revenue, for 60 caseworkers, 16.6 clerk typists and six income maintenance supervisors in the Division of Family Services (DFS). The purpose of expanding this DFS staff is to reduce the caseload size for caseworkers. Since 1993, the number of families receiving Temporary Assistance for Needy Families (TANF), formerly Aid to Families with Dependent Children (AFDC), has decreased by over 22 percent with the total number of recipients decreasing by over 27 percent. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires TANF recipients to work, which should cause the welfare caseloads to drop even more. Without knowing what effects this new federal welfare reform law may have on caseloads, adding staff would be contrary to the current effort to allocate state resources in the most effective and efficient manner. In addition, state resources are being invested in the FAMIS computer system, which will assist DFS workers by streamlining their data input and output systems.

Program Specific Distribution by $1,369,044 from $19,369,044 to $18,000,000 in total from General Revenue Fund.

Program Specific Distribution by $674,304 from $36,774,304 to $36,100,000 in total from Federal Funds.

From $56,143,348 to $54,100,000 in total for the section.

Section 11.125

I hereby veto $610,947 including $491,588 general revenue for eight County Directors, 16.01 clerk typists and six income maintenance workers in the Division of Family Services (DFS). The purpose of providing these positions is to place a County Director in every DFS county office in the state, and to provide support for the caseworkers working in the DFS county offices. Since 1993, the number of families receiving TANF has decreased by over 22 percent, with the total number of recipients decreasing by over 27 percent. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires TANF recipients to work, which should cause the welfare caseloads to drop even more. Without knowing what effects this new federal welfare reform law may have on caseloads, adding staff would be contrary to the current effort to allocate state resources in the most effective and efficient manner. In addition, state resources are being invested in the FAMIS computer system, which will assist DFS workers by streamlining their data input and output systems.

Personal Service by $469,908 from $8,779,191 to $8,309,283.

Expense and Equipment by $21,680 from $673,570 to $651,890.

From $9,476,855 to $8,985,267, in total from General Revenue Fund.

Personal Service by $102,545 from $22,402,813 to $22,300,268.

Expense and Equipment by $16,814 from $1,286,921 to $1,270,107.

From $23,736,368 to $23,617,009 in total from Federal Funds.

From $33,433,328 to $32,822,381 in total for the section.

Section 11.126

I hereby veto $901,122 general revenue for 44.33 caseworkers in the Division of Family Services (DFS). The purpose of expanding this DFS staff is to reduce the caseload size for caseworkers. Since 1993, the number of families receiving Temporary Assistance for Needy Families (TANF), formerly called AFDC, has decreased by over 22 percent with the total number of persons decreasing by over 27 percent. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires TANF recipients to work, which should cause the welfare caseloads to drop even more. Without knowing what effects this new federal welfare reform law may have on caseloads, adding staff would be contrary to the current effort to allocate state resources in the most effective and efficient manner. In addition, state resources are being invested in the FAMIS computer system, which will assist DFS workers by streamlining their data input and output systems.

Personal Service by $901,122 from $20,315,822 to $19,414,700.

From $21,408,650 to $20,507,528 in total from General Revenue Fund.

From $75,110,071 to $74,208,949 in total for the section.

On June 26, 1997, I approved said Conference Committee Substitute for House Bill No. 11, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Bill No. 13 entitled:

"AN ACT"

To appropriate money for real property leases, related services, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1997, and ending June 30, 1998.

Section 13.115

I hereby veto $170,180, including $122,530 general revenue, for leased space for Division of Family Services' staff vetoed from House Bill 11.

Expense and Equipment by $122,530 from $8,464,903 to $8,342,373 in total from General Revenue Fund.

Expense and Equipment by $47,650 from $6,590,762 to $6,543,112 in total from Federal Funds.

From $15,828,608 to $15,658,428 in total for the section.

On June 26,1997, I approved said Senate Committee Substitute for House Bill No. 13, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 17 entitled:

"AN ACT"

To appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Section 17.195

I hereby veto $348,739 for the appropriated transfer of funds from general revenue to the office of administration revolving administrative trust fund. The General Assembly eliminated funding from the office of administration revolving administrative trust fund for a specific project but the appropriated transfer from the general revenue fund was not decreased accordingly.

From $1,890,891 to $1,542,152 in total from General Revenue Fund.

From $1,890,891 to $1,542,152 in total for the section.

On June 26, 1997, I approved said House Bill No. 17, except for the item specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

June 26, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill No. 18 entitled.

"AN ACT"

To appropriate money for planning, expenses, and for capital improvements including

but not limited to major additions and renovations, new structures, and land improvements

or acquisitions, and to transfer money among certain funds.

Section 18.035

I hereby veto $900,000 lottery proceeds fund for equipment purchases at Ozark Technical Community College. These funds were not part of my original budget and were not recommended by the Coordinating Board for Higher Education. A competitive process exists, which should be used, within the Department of Elementary and Secondary Education to prioritize such equipment needs. Individual projects may be a significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $1,080,000.

Said section is vetoed in its entirety from $900,000 to $0 in total from Lottery Proceeds Fund.

From $900,000 to $0 in total for the section.

Section 18.040

I hereby veto $120,000 general revenue for planning, design, and construction of a child care center at Three Rivers Community College. These funds were not part of my original budget and were not recommended by the Coordinating Board for Higher Education. If this project is desirable it should be constructed with local funds provided by Three Rivers Community College. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The future additional cost for this project is unknown.

Said section is vetoed in its entirety from $120,000 to $0 in total from General Revenue Fund.

From $120,000 to $0 in total for the section.

Section 18.045

I hereby veto $500,000 general revenue for planning, design, and renovations of Ward Edwards Library at Central

Missouri State University. These funds were not part of my original budget and the project has a substantial future cost. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $8,680,134. In addition, this project is dependent upon completion of the new Kirkpatrick Library.

Said section is vetoed in its entirety from $500,000 to $0 in total from General Revenue Fund.

From $500,000 to $0 in total for the section.

Section 18.060

I hereby veto $562,178 general revenue for planning and design of a Physical Education and Performing Arts Building at Harris-Stowe State College. These funds were not part of my original budget and the project has a substantial future cost. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $4,352,460.

Said section is vetoed in its entirety from $562,178 to $0 in total from General Revenue Fund.

From $562,178 to $0 in total for the section.

Section 18.065

I hereby veto $150,000 general revenue for renovations and planning at Spiva Library at Missouri Southern State College. These funds were not part of my original budget and the project has a substantial future cost. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $5,700,000.

Said section is vetoed in its entirety from $150,000 to $0 in total from General Revenue Fund.

From $150,000 to $0 in total for the section.

Section 18.085

I hereby veto $2,000,000 general revenue for technical education/industrial technology facility construction at Southeast Missouri State University. These funds were not part of my original budget and the project has a substantial future cost. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $3,500,000.

Said section is vetoed in its entirety from $2,000,000 to $0 in total from General Revenue Fund.

From $2,000,000 to $0 in total for the section.

Section 18.110

I hereby veto $1,000,000 lottery proceeds fund for construction of a new Business School at the University of Missouri-Columbia. These funds were not part of my original budget, were not recommended by the Coordinating Board for Higher Education, and the project has a substantial future cost. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $15,500,000.

Said section is vetoed in its entirety from $1,000,000 to $0 in total from Lottery Proceeds Fund.

From $1,000,000 to $0 in total for the section.

Section 18.120

I hereby veto $350,000 general revenue for planning and design of a Pharmacy/Nursing Building at the University of Missouri-Kansas City. These funds were not part of my original budget, were not recommended by the Coordinating Board of Higher Education, and the project has a substantial future cost. Individual projects may be of significant value but the array of projects with substantial future costs approved by the General Assembly is so great that the number must be reduced because I cannot ensure that revenues will be sufficient to support capital expenditures of this magnitude. The unfunded state request for this project is $27,200,000.

Said section is vetoed in its entirety from $350,000 to $0 in total from General Revenue Fund.

From $350,000 to $0 in total for the section.

On June 26, 1997, I approved said Senate Committee Substitute for House Committee Substitute for House Bill No. 18, except for those items specifically vetoed and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 7, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill No. 214 entitled:

"AN ACT"

Relating to certain merchandising practices.

The primary purposes of this bill are to provide procedures for hearing and decision of disputes between motorcycle franchisees and franchisors before the Administrative Hearing Commission, to establish standards of motorcycle franchise practice, and to require manufacturers and wholesalers of motorcycles and all-terrain vehicles to repurchase unused inventory from dealers in certain situations, as well as to adhere to other standards of franchise practice.

As the bill is drafted, technical errors exist within Section 4 and in the provisions of the bill referencing Section 4. The bill contains references to provisions in Section 4 which do not exist. While I am supportive of the policies this bill would enact, the technical flaws make this bill impossible to implement.

For the above and foregoing reasons, Senate Committee Substitute for House Committee Substitute for House Bill No. 214 is returned and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 7, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 259 entitled:

"AN ACT"

To repeal section 409.402, RSMo 1994, and section 409.401 as enacted by house committee substitute for senate bill no. 375 of the first regular session of the eighty-ninth general assembly, relating to settlement of life insurance policies, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

I disapprove of Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 259. My reasons for disapproval are as follows: The bill mandates requirements that while intended to protect the consumer would actually create unwarranted fear on the part of the consumer and harm the reputation and business of companies who are in good standing and in compliance with the

insurance laws of this state.

For the above and foregoing reasons, Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 259 is returned and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

July 7, 1997

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Bill No. 301 entitled:

"AN ACT"

To repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain

nonresidents, and to enact in lieu thereof one new section relating to the same subject.

I disapprove House Bill 301. My reasons for disapproval are as follows: This bill would have the effect of spending the same general revenue dollars twice. The revenue that is designated to specific funds by this bill has already been allocated to other general revenue core appropriations.

For the above and foregoing reasons, House Bill No. 301 is returned and not approved.

Respectfully submitted,

/s/ Mel Carnahan

Governor

**July 7, 1997**

**TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI**

**Herewith I return to you House Bill No. 327 entitled:**

**"AN ACT"**

**To amend chapter 252, RSMo, relating to the department of conservation, by adding**

**thereto one new section relating to the same subject.**

**The purpose of this bill is to provide Department of Conservation volunteers the protection of the Legal Expense Fund and liability provisions. This bill does not contain the significant condition to coverage by the Legal Expense Fund and liability provisions for volunteers of "functioning within the scope and purpose of the**

**designated authority". Extending liability and legal expense protection for volunteers without this condition may result in substantial costs to the State.**

**House Committee Substitute for House Bill Nos. 424 and 534, which will be signed into law on July 7, 1997, provides Department of Conservation volunteers coverage by the Legal Expense Fund and contains the necessary qualifying language.**

**For the above and foregoing reasons, House Bill No. 327 is returned and not approved.**

**Respectfully submitted,**

**/s/ Mel Carnahan**

**Governor**

**HOUSE BILLS VETOED FROM THE**

**FIRST REGULAR SESSION**

**Speaker Gaw read the following House Bills vetoed from the First Regular Session:**

**CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 11, SCS HB 13, HB 17, SCS HCS HB 18, SCS HCS HB 214, CCS SS SCS HB 259, HB 301 and HB 327.**

**CCS SCS HCS HB 6 was called thereafter and no motion was taken thereon.**

**CCS SCS HCS HB 7 was called thereafter and no motion was taken thereon.**

**CCS SCS HCS HB 8 was called thereafter and no motion was taken thereon.**

**CCS SCS HCS HB 9 was called thereafter and no motion was taken thereon.**

**CCS SCS HCS HB 11 was called thereafter and no motion was taken thereon.**

**SCS HB 13 was called thereafter and no motion was taken thereon.**

**HB 17 was called thereafter and no motion was taken thereon.**

**SCS HCS HB 18 was called thereafter and no motion was taken thereon.**

**SCS HCS HB 214 was called thereafter and no motion was taken thereon.**

**CCS SS SCS HB 259 was called thereafter and no motion was taken thereon.**

**HB 301 was called thereafter and no motion was taken thereon.**

**HB 327 was called thereafter and no motion was taken thereon.**

**RESOLUTION**

**Representative Backer offered House Resolution No. 2.**

**House Resolution No. 2**

**BE IT RESOLVED, by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8, CCS SCS HCS HB 9, CCS SCS HCS HB 11, SCS HB 13, HB 17, SCS HCS HB 18, SCS HCS HB 214, CCS SS SCS HB 259, HB 301 and HB 327 when the bills were called by the Speaker.**

**On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 2 was adopted by the following vote:**

**AYES: 149**

**Akin Alter Backer Ballard Barnett 4**

**Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser**

**Bland Boatright Bonner Boucher Bray 84**

**Broach Burton Campbell Carter Champion**

**Chrismer Cierpiot Clayton Cooper Copeland**

**Crawford Crump Daniels 41 Davis 63 Davis 122**

**Days DeMarce Donovan Dougherty Edwards-Pavia**

**Elliott Enz Evans Farnen Fitzwater**

**Foley Ford Foster Franklin Fritts**

**Gaskill Gaston Gibbons Goward Graham 24**

**Graham 106 Gratz Green Griesheimer Gross**

**Gunn Hagan-Harrell Hall Harlan Hartzler 123**

**Hartzler 124 Heckemeyer Hegeman Hendrickson Hickey**

**Hilgemann Hohulin Holand Hollingsworth Hoppe**

**Hosmer Howerton Johnson Kasten Kauffman**

**Kelly 27 Kennedy Kissell Kreider Lakin**

**Lawson Leake Legan Levin Liese**

**Linton Lograsso Long Loudon Luetkenhaus**

**Marble May 108 Mays 50 McBride McClelland**

**McLuckie Merideth Miller Monaco Murphy**

**Murray Naeger Nordwald O'Toole Ostmann**

**Overschmidt Parker Patek Pouche Pryor**

**Purgason Reinhart Relford Reynolds Richardson**

**Ridgeway Robirds Ross Sallee Scheve**

**Schilling Schwab Scott Secrest Seigfreid**

**Shear Sheldon 104 Shelton 57 Shields Skaggs**

**Smith Steen Stokan Stoll Stroker**

**Summers Surface Thomason 163 Thompson 72 Townley**

**Van Zandt Vogel Wannenmacher Wiggins Williams 121**

**Williams 159 Wilson Wooten Mr. Speaker**

NOES: 003

Auer O'Connor Treadway

PRESENT: 000

ABSENT WITH LEAVE: 010

Daniels 42 Dolan Froelker Hand Kelley 47

Koller Ransdall Rizzo Thompson 37 Troupe

VACANCY: 001

On motion of Representative Backer, the House recessed until 3:00 p.m..

The hour of recess having expired, the House was called to order by Speaker Gaw.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has offered and adopted the following resolution:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

ADJOURNMENT

On motion of Representative Backer, the House adjourned until 11:00 a.m., Thursday, September 11, 1997.

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# House Journal

## Veto Session

## First Regular Session, 89th General Assembly

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SECOND DAY, Thursday, September 11, 1997

Speaker Gaw in the Chair.

Prayer by Reverend Cheryl L. Tatham.

"It's hard, O Lord, to think about the worries of the world when we've got our own worries right here in Jefferson City. It's hard to think about the wars going on in foreign lands when we're fighting our own wars here on the floor of this House. It's hard to think about the poor when most of us never miss a meal or walk any farther than we desire to or ever wonder where we'll lay our heads to sleep. Humble us, O God, and remind us that the better part of the world is in much worse shape than we.

Give us compassion to see beyond our own agendas and concerns. Give us vision to seek justice for all. Grant us the wisdom to know when to speak and when to be silent; when to say no and when to say yes; help us know when to act and when to wait. Your plan for this world is so much grander than we can ever imagine so let us put aside pettiness, bitterness, angry words and harsh deeds. May our actions speak of respect for one another and love for you. May it be so, Amen."

The Pledge of Allegiance to the flag was recited.

The Journal of the first day was approved as corrected by the following vote:

AYES: 157

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bartelsmeyer Bauer Bennett 15

Berkstresser Bland Boatright Bonner Boucher

Bray 84 Broach Burton Campbell Carter

Champion Chrismer Cierpiot Clayton Cooper

Copeland Crawford Crump Daniel 42 Daniels 41
Davis 63 Davis 122 Days DeMarce Dolan
Donovan Dougherty Edwards-Pavia Elliott Enz
Evans Farnen Fitzwater Foley Ford
Foster Franklin Fritts Froelker Gaskill
Gaston Gibbons Goward Graham 24 Graham 106
Gratz Green Griesheimer Gross Gunn
Hagan-Harrell Hall Harlan Hartzler 123 Hartzler 124
Heckemeyer Hegeman Hendrickson Hickey Hilgemann
Hohulin Holand Hollingsworth Hosmer Howerton
Johnson Kasten Kauffman Kelley 47 Kelly 27
Kennedy Kissell Koller Kreider Lakin
Lawson Leake Legan Levin Liese
Linton Lograsso Long Luetkenhaus Marble
May 108 Mays 50 McBride McClelland McLuckie
Merideth Miller Monaco Murphy Murray
Naeger O'Connor O'Toole Ostmann Overschmidt
Parker Patek Pouche Purgason Ransdall
Reinhart Relford Reynolds Richardson Ridgeway
Rizzo Robirds Ross Sallee Scheve
Schilling Schwab Scott Secrest Seigfreid
Shear Sheldon 104 Shelton 57 Shields Skaggs
Smith Steen Stokan Stoll Stroker
Summers Surface Thomason 163 Thompson 37 Thompson 72
Townley Treadway Troupe Van Zandt Vogel
Wannenmacher Wiggins Williams 121 Williams 159 Wilson
Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Hand Hoppe Loudon Nordwald Pryor

VACANCY: 001

**RESOLUTION**

Representative Backer offered House Resolution No. 3 (2064).

**Whereas**, for a decade the readers and listeners of Missouri have been informed and enlightened by the reporting of Carl Manning; and

**Whereas**, Carl Manning has spent more than two decades covering the globe for The Associated Press, the world's largest newsgathering organization; and

**Whereas**, Carl Manning's reporting experiences have ranged from the Mexico City earthquake to the quake that didn't happen despite Iben Browning's prediction in the New Madrid Fault Zone; and

**Whereas**, Carl Manning's knowledge of Spanish mingled with his Tennessee twang give him unique qualifications as a reporter in Latin America; and

**Whereas**, Carl Manning's particular expertise as an AP reporter has been specialized in covering statehouses in Tennessee, Pennsylvania, and Missouri, and taste-testing the free coffee in each Capitol; and

**Whereas**, Carl Manning's style is distinctive, from his cowboy boots unique among the Missouri press corps to his half glasses over which his unblinking gaze makes interview subjects shrink; and

**Whereas**, Carl Manning's six-year commuter marriage has made him Missouri's unrivaled expert on the back roads between Kansas City and Jefferson City; and

**Whereas**, Carl Manning's hard-hitting interview style is more than offset by his Southern gentleman's courtesy and manners; and

**Whereas**, Carl Manning is moving to a new assignment with the AP bureau in Topeka, Kansas, after a decade of plowing the journalistic fields of Missouri:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Eighty-ninth General Assembly, unanimously join in expressing sincere appreciation and deep gratitude to Carl Manning for the outstanding manner in which he has met his obligations to the people of Missouri over the years and in wishing him only the best as he looks forward to new challenges as a reporter assigned to Missouri's neighboring state; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Carl Manning.

On motion of Representative Backer, Rule 63 was suspended and House Resolution No. 3 (2064) was adopted by the following vote:

AYES: 148

Akin Alter Auer Backer Ballard

Barry 100 Bartelsmeyer Bauer Bennett 15 Berkstresser

Bland Boatright Bonner Boucher Bray 84

Broach Burton Campbell Carter Champion

Chrismer Cierpiot Clayton Cooper Copeland

Crawford Crump Daniel 42 Daniels 41 Davis 63

Davis 122 Days DeMarce Dolan Donovan

Dougherty Enz Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Griesheimer Gross Hagan-Harrell Hall

Harlan Hartzler 123 Hartzler 124 Heckemeyer Hendrickson

Hickey Hilgemann Hohulin Holand Hollingsworth

Hoppe Hosmer Howerton Johnson Kasten

Kauffman Kelley 47 Kelly 27 Kennedy Kissell

Koller Kreider Lakin Lawson Leake

Legan Levin Liese Linton Lograsso

Long Loudon Luetkenhaus Marble May 108

Mays 50 McBride McClelland McLuckie Merideth

Miller Monaco Murphy Murray Naeger

O'Connor O'Toole Ostmann Overschmidt Parker

Patek Pouche Pryor Purgason Ransdall

Reinhart Relford Reynolds Richardson Rizzo

Robirds Ross Sallee Scheve Schilling

Schwab Scott Secrest Seigfreid Shear

Sheldon 104 Shelton 57 Shields Skaggs Smith

Steen Stokan Stoll Stroker Summers

Surface Thomason 163 Thompson 72 Townley Treadway

Van Zandt Vogel Wannenmacher Wiggins Williams 159

Wilson Wooten Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 014

Barnett 4 Edwards-Pavia Elliott Evans Goward

Green Gunn Hand Hegeman Nordwald

Ridgeway Thompson 37 Troupe Williams 121

VACANCY: 001

On motion of Representative Backer, the House recessed until 3:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Gaw.

**ADJOURNMENT**

On motion of Representative Backer, the House adjourned until a time to be announced on Friday, September 12, 1997.

## CORRECTIONS TO THE HOUSE JOURNAL

**Correct House Journal, First Day, Wednesday, September 10, 1997, pages 1 and 2, roll call, by showing Representatives Dolan, Hickey, Koller, O'Toole and Stokan voting "aye" rather than "absent with leave".**

**Pages 1 and 2, roll call, by showing Representative Linton voting "present" rather than "absent with leave".**

**Pages 13 and 14, roll call, by showing Representatives Dolan, Koller and Ransdall voting "aye" rather than "absent with leave".**

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# House Journal

## VETO SESSION

## First Regular Session, 89th General Assembly

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THIRD DAY, Friday, September 12, 1997

Speaker Gaw in the Chair.

Prayer by Representative Fletcher Daniels.

The Pledge of Allegiance to the flag was recited.

The Journal of the second day was approved as corrected by the following vote:

AYES: 147

Akin Alter Auer Backer Ballard

Barnett 4 Barry 100 Bauer Bennett 15 Berkstresser

Bland Boatright Boucher Bray 84 Broach

Burton Campbell Carter Champion Chrismer

Cierpiot Clayton Cooper Copeland Crawford

Crump Daniel 42 Daniels 41 Davis 63 Davis 122

Days DeMarce Dolan Donovan Edwards-Pavia

Enz Evans Farnen Fitzwater Foley

Ford Foster Franklin Fritts Froelker

Gaskill Gaston Gibbons Graham 24 Graham 106

Gratz Green Griesheimer Gross Gunn

Hagan-Harrell Harlan Hartzler 123 Hartzler 124 Heckemeyer

Hegeman Hendrickson Hickey Hilgemann Hohulin

Holand Hollingsworth Hoppe Hosmer Howerton

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Marble May 108 Mays 50 McClelland McLuckie

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Parker Pouche Purgason Ransdall Reinhart

Reynolds Richardson Rizzo Robirds Ross

Sallee Scheve Schilling Schwab Scott

Secrest Seigfreid Shear Sheldon 104 Shelton 57

Shields Skaggs Smith Steen Stokan

Stoll Stroker Summers Surface Thomason 163

Thompson 72 Townley Treadway Troupe Van Zandt

Vogel Wannenmacher Williams 121 Williams 159 Wilson

Wooten Mr. Speaker

NOES: 001

Ridgeway

PRESENT: 002

Patek Pryor

ABSENT WITH LEAVE: 012

Bartelsmeyer Bonner Dougherty Elliott Goward

Hall Hand McBride Nordwald Relford

Thompson 37 Wiggins

VACANCY: 001

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 6**.

SENATE RESOLUTION NO. 6

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 165; Senate Bill No. 353; Senate Committee Substitute for Senate Bill No. 402; Senate Bill No. 128; Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 142; House Substitute for Senate Substitute for Senate Bill No. 97 and House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 386 and 372 when the bills were so called by the President.

**ADJOURNMENT**

On motion of Representative Backer, the Veto Session of the Eighty-ninth General Assembly, First Regular Session, was adjourned sine die.

**CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Second Day, Thursday, September 11, 1997, pages 15 and 16, roll call, by showing Representative Loudon voting "aye" rather than "absent with leave".

Page 17, roll call, by showing Representatives Barnett (4) and Ridgeway voting "aye" rather than "absent with leave".

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